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REV<sup>d</sup> JAMES ORANGE.

**HISTORY**  
**AND**  
**ANTIQUITIES**  
**OF**  
**NOTTINGHAM,**

**IN WHICH ARE EXHIBITED**

**THE VARIOUS INSTITUTIONS, MANNERS, CUSTOMS, ARTS, AND  
MANUFACTURES OF THE PEOPLE;**

**THEIR SOCIAL AND DOMESTIC HABITS;**

**CIVIL AND POLITICAL CONDITIONS,**

**UNDER EVERY SUCCESSIVE GOVERNMENT, FROM THEIR CONQUESTS BY THE NORMANS,  
DANES, SAXONS, ROMANS, AND EARLY BRITISH INDEPENDENCY,  
DOWN TO THE PRESENT TIME:**

**FORMING A CONDENSED BUT COMPREHENSIVE**

**ENGLISH AS WELL AS LOCAL HISTORY,**

**CHRONOLOGICALLY ARRANGED.**

**BY JAMES ORANGE,**

*Author of the Life of Vason, &c.*

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**VOLUME I.**

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**LONDON:**  
**HAMILTON, ADAMS, AND CO., 33, PATERNOSTER ROW:**  
**AND J. HOWITT, NOTTINGHAM.**

**- 1840.**

J. HOWITT, PRINTER, NOTTINGHAM





## P R E F A C E.

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It is not an affected humility, but proceeds from the sincere and deep feeling of my heart, that I acknowledge with gratitude the generous kindness of the subscribers who have enabled me to commence, and carry on to completion, the present work.

To their honour I must bear testimony, that the patronage promised before the first sheet was put to press, has been steadily and cheerfully continued to the end. Perhaps a more remarkable example of public candour was never witnessed, than has been shown in the ready reception which this book has met with ; for notwithstanding its many imperfections, which I beg explicitly to acknowledge, the number of patrons has gone on so fast increasing, that every disposable copy of the entire edition was sold long before the latter numbers were printed or compiled !

Before advertng to the distinguishing characteristics of this work, it is due to their talents and industry, that a grateful acknowledgment should be made of the labours of those distinguished men, by whom I have been preceded, and to whom I am so much indebted.

John Rouse, a monk of Warwick, was the first to write a "History of Nottingham," about the year 1500, Leland refers to it, p. 7 ; it is not now extant, and probably it might have perished in the general destruction of literature that unhappily distinguished the overthrow of the papal authority in England, and the establishment of the Anglican hierarchy in the reign of Henry VIII.

Robert Thoroton, M.D., of Car-Colston, in this county, was the next who wrote a "History of Nottingham, and also of the County," compiled in

part from voluminous documents left by his father-in-law, Gilbert Boun, Serjeant-at-Law, whose mansion was on the High Pavement, Bugge Hall, a still remaining edifice, now an inn, called the Old Angel, the property of Mr. John Hopkin, who purchased it in 1839. This work was published in 1 Vol. fol. 1677, the Doctor only survived a few months after the publication of this valuable and elaborate work, he died 28th November, 1678.

Charles Deering, M.D., a native of Germany, next entered the field, and wrote a History of Nottingham and places adjacent, enlarging upon Dr. Thoroton. Deering was greatly assisted by John Plumptre, esq., M.P., but the Doctor died, leaving his work for other hands to finish, instead of which it is said, they *interpolated* it with ghost stories, &c.; still like its predecessor, it is a valuable work and deservedly held in high esteem. It was published in 1 vol. 4to. 1751.

John Throsby, esq. of Leicester, prepared a second edition of Thoroton's, with extensive additions, 3 vols. 4to.; he did not live to see his work published. It is a production of considerable originality, elegantly got up, and deservedly esteemed. It was published in 1790.

Mr. John Blackner's History of Nottingham, though after the pattern of his predecessors, is a work in which there is a mass of original matter not found in any other, for which his memory has a strong claim on the gratitude of posterity. He also died before his work was completed, which was printed and published by Mr. Sutton, in 1 vol. 4to. 1815.

Mr. John Hicklin, printed and published a very interesting little volume, called a "History of Nottingham Castle," 1834.

The freest use of every preceding author has been made in compiling the present work, in which every previously recorded fact has been incorporated.

The plan of this work is different from any by which it has been preceded; this was rendered necessary by the compass to which it was limited. The alteration also was called for, on account of what appeared to me at least, a *defective* arrangement, by which all the previous

histories are alike distinguished, all being types of their prototype, Dr. Thoroton's, which is that of cutting up the history into *shreds*, without the least connexion of parts, and each of a different colour. For example, there is a chapter upon "the castle," another on "churches," another on "religious houses," another "charities," "civil and ecclesiastical government," "remarkable events," &c. I mean no reflection on their judgment who chose to follow the plan which Dr. Thoroton pursued, who had no one to guide him, and was almost compelled to adopt; but evidently it isolates every part of the work from all others, with which there ought, but cannot be the slightest connexion or dependence. The chronological chain of events, which, when they took place, necessarily had a *connexion*, are here seen divided into *separate links*, presenting in one volume a number of *historical tracts*, each having reference to a different subject, in which ancient and modern history are coupled, if not confounded with each other, in every chapter. It is admitted, there are the elements of a history presented, but for want of proper arrangement, a volume so constructed, is either a multitude of histories, or no history at all. Nor is this all, the plan of setting down the chronology, &c. merely for the mention of *one kind* of circumstance or fact, renders necessary so endless a repetition of dates and words to introduce them, that notwithstanding the paucity of facts, swells out to a large volume; matter, which by adopting a proper method of arrangement, might have been given in a comparatively small compass, thus entailing a heavy tax on the purchaser, both of his money and time. And for what purpose is this waste beyond an economizing of the compiler's labour? for certainly the book is much less perspicuous than otherwise it would have been, if the materials provided by Dr. Thoroton, &c. and his own discoveries and remarks had been digested and arranged, as they might have been in chronological order, and the volume would not have presented half the present size. Another distinguishing trait of this work is, that there is given a *history of the people*, as well as a history of the place, showing, as circumstantially as the prescribed limits to which it is confined would admit, the successive changes of condition, through which the poor

who constitute the great mass of the inhabitants have passed, in every succeeding age, from the earliest period of our British history, down to the present time. To this, considerable importance is attached, for in proportion as the science of government comes to be better understood, it will be felt that a powerful influence, affecting the happiness and social progress of communities, will be excited by many concurring circumstances, which have been used to be considered of little moment.

Legislators and governors of former times, even when they professed themselves to be guided by principles of reason, were for the most part contented to fix their attention upon a few leading circumstances, wholly neglecting others by which the daily comforts of the poor were regulated, and by means of which their sum might be measured. It may be remarked to, that historians have fallen into the same error, and for the most part been silent, concerning the working of those minute causes by which the many are affected, while they magnify exceedingly the more obvious and glaring facts, by which the destinies of rulers have been swayed. In following this course, they have certainly considered their own convenience; for it is comparatively easy to record the more notorious facts, such as a battle, or a conspiracy, and to follow out their results; while it must generally be a difficult task to analyze questions which are influenced by a succession of minute causes, and exposed to the constant action of disturbing influences. There can be no doubt however, concerning the comparative usefulness of such historical writers, and the labours of the more humble analyst, who enables succeeding inquirers to determine the rate and amount of progress made by a people in the march of social improvement.

Probably it is owing to the false estimate thus commonly made upon these important subjects by public writers, that our information is so exceedingly vague upon the momentous question, as to the power which the most numerous class of the community has, at various times, possessed over the necessities and conveniences of life; a question which, however it may have been neglected or despised, is one which must always exert a powerful influence over the well being of the entire people, affecting not less the moral, than the physical condition of its various classes.

If any thing grieves me, more than another, in reviewing the present work, it is that I have been obliged to skim over this most humble and laborious part of the work so hastily. I admit however, to supply this deficiency, would require volumes for its full and proper developement, if indeed it could at all be successfully accomplished, but if even as much were done as is practicable, it would be of great utility, and I am not altogether without hope, the little that is here written may serve in some degree to correct a few popular errors, into which both governors and governed have fallen ; and in some humble measure, conduce to the cherishing of more enlarged benevolence and mutual esteem in the breasts of men of every class among us toward each other, than, it is feared, now commonly obtains. A History of the Town as a Borough, is for the first time given.

A history of every charity in the town, giving an account of the management or mis-management of the funds arising from them ; showing where every portion of the property is situated, and present value, extracted from the report of government commissioners, appointed to investigate charities in England, 1828, is valuable, inasmuch as it will be putting into the hands of the inhabitants generally, that particular description of each charity in this town, that no future trustees will have it in their power, even were they disposed to misapply any part of its funds.

It would appear like affectation and pomp, were the names of every contributor to this work given, to whom I have been indebted for those materials that are scattered through the pages of the following sheets ; suffice it to say, they form the most valuable, interesting, and best parts of the work. The Venerable Archdeacon Wilkins, D.D., Rev. R. Alliot, Henry Smith, Esq., Wilford, Mr. Thomas Bailey, Mr. John Dams, and Mr. Kirk Swann, have been exceedingly kind, for which I beg to tender my warmest acknowledgments of gratitude, and Mr. John Crosby, Post Master, has shown unwearied assiduity in his invaluable assistance, so cheerfully supplied through every part of this work, and his kindness to me has been more like a father than a mere friend. In taking my farewell

of my beloved friends, the subscribers generally, (and I cannot hide from myself, that I am now bidding them a final adieu), I would observe their kindness in assisting me so liberally and continuously in prosecuting a work in which my heart has been engaged, has many a time affected me to tears. May the next person that takes up this subject, find as many hands to strengthen him as I have done, then will he never repent his engagement. For those into whose hands these volumes may come, I offer my last and most fervent prayer, "that they may be the followers of God as dear children, and of them who through faith and patience inherit the promises."—Amen.

JAMES ORANGE.

*Castle Terrace, 26th Aug. 1840.*

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Wadsworth, — Esq. Week-day  
 Cross  
 Wade, — Lenton  
 Wakefield, T. Esq. Low Pavement  
 Waldram, T. Bellar-gate  
 Walker, — Bottle-lane  
 Walker, — Fisher-gate  
 Walker, — Mary-gate  
 Walwin, — Hyson Green  
 Walker, S. Esq. Castle-terrace  
 Ward, Thomas, Red Lion-street  
 Waterhouse, — Chesterfield  
 Watts, Mrs. Bridlesmith-gate  
 Watts, — Beast Market-hill  
 Wayne, T. Lister-gate  
 Wesson, — Pilcher-gate

Wetzlar, — Esq. Woodland-place  
 White, — Vernon-street  
 White, T. Sneinton  
 Whitchurch, S. Cross-street  
 Whitworth, — Leen Side  
 Whittingham, Parliament-street,  
 East  
 Widdowson, —  
 Wild, E. Buttery's-yard  
 Wild, — Radford  
 Wildsmith, S. Leen Side  
 Wilkins, — Granby-street  
 Wilkins, Venerable Archdeacon,  
 D.D., Short-hill  
 Willis, — West Bridgford  
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 Willson, R. Mount-street  
 Wilson, S. Radford  
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 Wood, E. Leen Side  
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THE BRIDGE, AND THE CITY OF LONDON.

W. H. H. H. H.

A NEW  
ECCLESIASTICAL AND CIVIL  
HISTORY OF NOTTINGHAM,

FROM  
THE EARLIEST PERIOD TO THE PRESENT TIME.

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BOOK I.

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CHAPTER I.

A POETICAL DESCRIPTION OF NOTTINGHAM.

FAIR Nottingham ! with brilliant beauty graced,  
In Sherwood's south-west angle placed :  
Where Northern hills, her tender neck protect,  
With dainty flocks of golden fleeces deck'd,  
No roaring tempests discompose her mein,  
Her canopy of state's a sky serene.  
She, on her left Belvoirs rich vale describes,  
On th' other, Clifton hills regales her eyes !  
If from her lofty seat she bows her head,  
There's at her feet a flowery carpet spread. <sup>(a)</sup>  
Britain's *third stream* <sup>(b)</sup> which runs with rapid force,  
No sooner spies her, but retards his course ;  
He turns, he winds, he cares not to be gone,  
Until to her he first has homage done :  
He cheerfully his watery tribute pays, <sup>(c)</sup>  
And at her footstool, foreign dainties lays,  
With assiduity her favours courts,  
And richest merchandize from sea imports ;  
*Ceres*, her gift with lavish hand bestows,  
And *Bacchus*, o'er his but of *English nectar* glows, <sup>(d)</sup>  
Thy sons, O ! Nottingham, with fervour pray,  
May no intestine feuds thy bliss betray ;  
Health, plenty, pleasure, then will ne'er decay.

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(a) Nottingham Meadows, particularly in spring, are surpassingly beautiful. (b) The Trent is generally considered the fourth river in the kingdom. (c) The town is now supplied with water from the Trent. (d) Nottingham Ale.



Nottingham is situated in 53 degrees north latitude, and 1 deg. 13 min. west longitude, from the meridian of Greenwich. Is the capital of the county, and Archdeaconry to which it gives name. It is a Market and Borough Town; and, except the Metropolis, is the largest county town in the kingdom. It has four Fairs annually; Friday after 13th January, for Cattle; 7th, 8th, and 9th of March for Cheese, and Cattle; and Thursday before Easter for Cattle, &c. On the 2nd, 3rd, and 4th of October is held the renowned "Goose Fair," for the sale of all kinds of wares, and merchandize, and, as a holiday or pleasure fair; is one of the largest in this part of the kingdom.

We pass by all description of public buildings, at present, which will be given in their proper place, merely observing, there is a Town Hall, and a County Hall, in which the Assizes are held, and also the Quarter Sessions, for the trial of prisoners; Judges preside at the Assizes, and at Quarter Sessions; in the town, a Barrister is chosen as Recorder, who presides; and in the County, one of the Magistrates, who is styled *Chairman* of the Quarter Sessions.

The town is governed by a Mayor, Aldermen, and Common Council. The following are the names of the members of the Corporation.

MAYOR,—JOHN HEARD, Esq. Park.

RECORDER,—RICHARD WILDMAN, Esq. Barrister at Law, 34, Park street, Grosvenor Square, London. 1837.

### MAGISTRATES.

T. WAKEFIELD, Esq. Low Pavement  
W. SOARS, Pelham street  
W. ROWORTH, Short hill  
J. WELLS, Beeston  
R. MORLEY, Esq. Sneinton  
F. HART, Esq. Pepper street

T. MARRIOTT, St. James street  
J. NIXON, High Pavement  
M. GEDLING, Esq. Mount Vernon  
C. PAGET, Esq. Ruddington  
T. CLOSE, Esq. St. James street

### ALDERMEN.

\* Mr. G. CAREY, Pelham street  
Mr. F. HART, Pepper street  
Mr. N. HURST, Park  
† Mr. H. LEAVER, Mary gate  
\* Mr. J. HEARD, Park  
Mr. R. PRESTON, Long row  
† Mr. W. ROWORTH, Short hill

Mr. W. SOARS, Pelham street  
Mr. A. BLAKE, Parliament street  
Mr. J. NEWTON, Long row  
† Mr. J. WILSON, Angel row  
\* Mr. J. BRADLEY, Park street  
\* Mr. J. WELLS, Beeston  
Mr. — SHIPMAN, Chapel bar

### COUNSELLORS.

#### ST. ANN'S WARD

† Mr. S. BEAN,  
Mr. W. SHARP,

\* Mr. H. SCORER,  
† Mr. W. SURPLICE,

† Mr. J. FREARSON,  
† Mr. J. HEDDERLY.

Those marked with \* are on the Chamber Committee; † Bridge Committee; ‡ Watch Committee.

## BYRON WARD.

Mr. D. WOODHOUSE,	† Mr. R. SUTTON,	* Mr. H. FREARSON,
‡ Mr. J. ROGERS,	Mr. G. PARKIN,	‡ Mr. W. AULTON.

## SAINT MARY'S WARD.

Mr. T. CULLEN,	* Mr. WHEATCROFT,	* Mr. R. MORLEY,
Mr. S. WAKEFIELD,	Mr. T. ADAMS,	‡ Mr. T. ROBERTS.

## EXCHANGE WARD.

Mr. T. NORTH,	Mr. T. BAILEY,	Mr. F. E. SHIPLEY,
‡ Mr. J. WHYATT,	Mr. E. WOOD,	Mr. J. BRADSHAW.

## CASTLE WARD.

* Mr. N. BARNSDALL,	† Mr. W. CUTTS,	* Mr. T. WAKEFIELD,
* Mr. T. CARVER,	‡ Mr. J. NUNN,	‡ Mr. J. TOMLINSON.

## PARK WARD.

† Mr. O. T. OLDKNOW,	† Mr. R. SANDS,	* Mr. T. CLOSE,
J. M. B. PIGOT, M.D.	Mr. W. PARSONS,	* Mr. J. BIRKHEAD.

## SHERWOOD WARD.

† Mr. J. SMITH	Mr. T. CORAH,	Mr. J. MILLS,
‡ Mr. S. FOWLER,	* Mr. J. HICKLIN,	* Mr. M. GEDLING.

Quarterly meetings of the Council, the first Thursday in Feb. May, August, and Nov.

*Treasurer.*—ALFRED THOMAS FELLOWS, Esq.

*Town Clerk.*—H. ENFIELD, Esq. Low Pavement, 1815.

*Clerk to the Magistrates.*—W. HURST, Week Day Cross.

*Sheriff.*—MR. B. MORLEY, Fletcher Gate.

*Under Sheriff.*—MR. C. SWANN, Church Gate.

*Auditors.*—MR. LEAVERS, and MR. W. TOMLIN, High Pavement.

*Corporation Surveyor.*—MR. M. H. WOOD, Park street.

*Accountant.*—MR. E. WHITTLE,

*Revising Assessors.*—MR. M. BROWN, Low Pavement, and MR. J. WADSWORTH, Week Day Cross

*Rent Collector.*—MR. J. BLATHERWICK,

*Coroner.*—MR. M. BROWN, Low Pavement.

*Corn Inspector.*—J. H. ASHWELL.

*Mayor's Serjeant, Chief Constable, and Billet Master.*—MR. W. BARNES, Police Office, Smithy Row.

*Town Crier.*—MR. THOS. GIBSON, Greyhound Street

*Inspector of Weights and Measures.*—MR. W. BARNES.

*Field Pindar.*—MR. JAMES WITTLE, York Street.

*Meadow Pindar.*—MR. COX, London Road

*Serjeants at Mace, and Bailiffs.*—MR. W. GIBSON, Hounds' gate, and MR. H. COX, Park street.

*Hawker's Licence Inspector.*—MR. MORLEY, Haughton place.

Nottingham is a place of considerable trading, and may be considered the emporium of the Hosiery and Lace trades, from whence its wealth and importance as a town are principally derived, and in which, many thousand hands, of both sexes, are regularly employed. Here many foreign Merchants, from various parts of the continent, have large establishments, for the purchase and manufacture of brown Nets, which are brought hither to be sold, from the West of England, and other places, where any of this fabric is made.

Formerly Nottingham was a place of considerable importance for the manufacture of Hardware, in which many smiths were employed, in the making of bits, snaffles, and other articles for bridles, plough irons, coulter, shares, nails, harrow teeth, and the like. The principal parts of the town in which their forges were situated, were Bridlesmith Gate, "Girdlesmith Gate," (now Pelham Street), and Smithy Row; and, because of the facility of procuring coal, and the excellency of its quality, the manufacture of these articles appears to have flourished in this town for several centuries. At what period they were commenced, we know not, or by whom they were conducted, no records by which they might possibly be ascertained, remain at the present day.

There are no large public breweries in Nottingham at this period, which is astonishing to any one acquainted with the real excellency, and deserved celebrity of "Nottingham Ale." Formerly the trade in malt and ale, was carried on to a large extent; for which, it is generally believed, many of those spacious vaults under the town were excavated, to serve the purpose of kilns for drying their malt, which being so shielded from the effects of the weather, enabled them to carry on the process of malting all the year round. This, which we may perhaps consider the oldest trade in Nottingham, was probably introduced in the eighth century, in the time of the Saxons, in whose chronicle we read of their being "ale-houses" one thousand and ten years ago, in 728. This trade was certainly much fostered by the Normans, which remained undiminished, till a comparatively recent period, supplying Derbyshire, Cheshire, Lancashire, Shropshire, as well as Leicestershire and Nottinghamshire, with malt and ale. A person of the name of Gunthorpe, who, in the last century, kept the Punch Bowl public house, Peck lane, sent a barrel of ale out of his own cellar, brewed by himself, to a brother that he had, who was an officer in the navy, and who, it is said, in return for the present, composed a poetic epistle, which he addressed to his brother; in which there is a fair portion of humour and wit; and had it not been for its vulgarities, we might have given it insertion.

On Saturday, September 5th, 1838, part of the materials of the ancient hall, in Narrow-marsh, called "Tanners' Hall," were exposed for sale in our Market-place, which, as might have been expected, ex-

cited considerable interest among the spectators. The Tanning business was at one time, carried on in Nottingham to a large, and what would be considered, at the present day, almost incredible extent. A particular account of the Company of Tanners, their trade, and the regulations under which it was carried forward, their bye-laws, &c. will be given in their proper place.

In 1199 King John (March 19th) granted to the town a "Merchant's Guild," and also the exclusive privilege of manufacturing *dyed cloth*, which was designed to receive dye, within ten miles round the town.

In 1337, King Edward III. summoned together a Parliament, which was held in the castle; at which time, among other things, it was enacted, "that whatsoever cloth-workers of Flanders, or other countries, would dwell and inhabit in England, should come quietly, and be peaceably protected; that the most convenient places of residence and operation should be assigned to them; that they should have great liberties and privileges, so long as they remained in the kingdom, and the king would become surety for their sustenance, until they should be able to support themselves by their respective occupation." The same Parliament also passed a patriotic law, which remained in force for ages afterward, "that no person, of whatever rank, should wear, or purchase, any foreign made cloths, except the Royal family;" they also prohibited, under any pretence, the exportation of English wool. Of all Parliaments that ever were called, (and they were now *annual*,) by any King, held at any place; beyond all dispute, or even question, no legislature ever passed a law so beneficial to our country as this; for from this time commenced the bright era of our Manufacturing importance as a nation; and that law, which in wisdom and genuine patriotism, laid firm and deep the immovable bases, on which after ages erected the proud pillar of Britian's manufactures, British commerce, and British wealth; that law which gave birth to England's greatness, was proposed, discussed, approved, passed, and received the sign manuel of the Third Royal Edward, at his parliament held in Nottingham.

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## CHAPTER II.

Few towns have equalled Nottingham in the mechanical skill of its artizens; history, ancient or modern, supplies not one solitary instance in this respect, in which any town, of the same number of inhabitants, has excelled this. Dr. Deering informs us, Nottingham

was anciently famous for the production of the most curious articles in iron, and hence he says, arose the following proverb, recorded by Fuller,—

“ The little smith of Nottingham,  
Who doth the work that no man can,”

Would that it were in our power to record that men of genius, had received at the hands of their fellow townsmen and others, who profited by their invention, an adequate reward, and that such a record was supported by truth. Surely we are not claiming too much for those persevering and successful geniuses, who, by their invention of new principles, or improved methods in working our machinery; in saying they ought to have been noticed, they ought to have been honoured, and in proportion to the utility and splendour of their mechanical discoveries, ought, in some degree to have been rewarded. These men are real benefactors to their species; and have won their achievements of benefit to man, by slow, tedious, discouraging, and painfully elaborated processes of a thousand experiments, and must have possessed strong minds, clear conceptions, and much patience; had not nature endowed them with great fertility of imagination, and real splendour of talent, after all, their experiments would have failed. We pension the statesman, and crown the successful warrior with laurels—shall the man who has filled the hungry with bread, by creating additional means of employments—sustained the orphan, whose parent it may have been, had perished in the war—shall he have no recompense? must he be the anxious prey of care through life and die in penury and want? It has been so, and we fear it will again; but it shall be our care to gather up the fragments that yet remain of their history, that other ages may do them honour, who died unwept, unhonoured and neglected, having found for themselves an unheeded and forgotten grave.

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### CHAPTER III.

In our endeavours to trace up the history of this town to an earlier period than has hitherto been attempted, recourse will be had, First, to existing monuments of the ancients, or monuments that were known to have existed in past ages, and which were erected in commemoration of particular events, which were then fresh in mind. Secondly, contemporary history of other towns, in which

similar customs were known to have prevailed. Third, tradition, written or oral, which, though uncertain as to particulars, may yet be admitted as a strong presumptive evidence, in support of the fact itself. Fourth, the religion, laws, &c. of the people, generally may be assumed, as applying to its constituent parts, except evidence on the contrary are known to exist. Fifthly, from the uniformity that obtained in the erection of ancient British cities; the geographical position of a town, when supported by other evidence, may be considered as confirmatory of its claim to a remote antiquity; and, lastly, as names have always had some meaning when first imposed, the topographical nomenclature of the town and places adjacent, demand some degree of attention. (a)

It may not be true, as is related by John Rouse, a Monk of Warwick, and Canon of Osney, in his history addressed to King Henry VIII. that the town of Nottingham was founded 980 years B. C. by a British King, "Ebrank," or "Ebrankus," son of Mempricus, a British sovereign, third in succession from Brute, which would be about the time King David reigned in Judea. We do not deny that Mr. J. Leland might not possibly have fallen into an error, or have been imposed upon by some Monk, when he gave this story credit; and further stated, that "Lucius," (b) son of "Helina," caused four Cities to be founded, of which Nottingham was one; the account given us by Dr. Deering, of a British King, Coilus, (c) having been buried in this town, A. M. 3832, which Mr. White tells us, (d) was a period, according to ancient chronology, falling between the time of the destruction of Sodom and that of Troy, which that gentleman treats with ridicule. No doubt every writer on history, is at liberty to form his opinion, as to what degree of credit should be yielded to the statements of the Fathers; but to sneer at, or to treat with levity, the opinion of a man so celebrated as Leland, antiquarian to King Henry VIII, who devoted so many long and tedious years in reading and collating ancient documents, to whom many sources of information were open, which are no longer accessible, having perished in the lapse of time. Whatever superiority of judgment may be claimed for themselves, by writers of the present day, it is plain, we cannot have equal advantages to assist in drawing our conclusions, as were possessed by this "Father of Antiquarians," and others, whose better judgment we affect to

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(a) Pict. Hist. Eng. p 7. (b) see Leland's Collectanea, vol. 3, p 432. (c) Was a King of Great Britain, and father of Leucius, who, being struck with the exemplary life, and faith of the christians, himself became a convert, and desired to be baptized, which was administered to him by Fulgatus, assisted by Damianus, whom the Pope had sent over for that purpose, A. D. 183. Bede's Hia. Lo. l Adon. in Crom. Usser et Stelling f. Antiq. Brit. Ecclea. (d) White's History of Nottingham. p. 79.

despise. Self confident men, as Mr. White for example; while smiling contempt on the immortal Leland, in the dates and correspondence of his ancient chronology, falls into an anachronism of something near a thousand years.<sup>(a)</sup> We seek not pleasure by pointing out other men's imperfections, but so far, we felt bound to advance, in order to justify our having frequent recurrence to their labours; who, we think, supply an evidence on the subject they take in hand, quite as clear and consistent, as those of our modern historians.

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## CHAPTER IV.

To search after the reliques of antiquity merely to gratify curiosity, would be little better than a waste of time; but much too hastily have some men concluded, that nothing can be known of the history of our progenitors, beyond the time of Julius Cæsar. If, however, from carefully attending to those principles of investigation already laid down, a clue should be found, which shall enable us successfully to thread the labyrinths of ages that are past, we need little regret the failure of those who would not enter, or having entered, for want of greater circumspection, missed their way. Next to the scriptures, nothing is better calculated to expand the mind of youth, beget within them sober and enlightened ideas of real life, and fit them properly to discharge the duties that may devolve upon them, as an attentive perusal of, and an extensive acquaintance with, the best writers on History; or any exercise more entertaining to men of riper years.

To contribute our mite, in the hope of serving such purposes as these, by pushing our enquiries into a remote antiquity beyond our predecessors, and from thence bringing down the chain of historical events to the present hour; even were no new principle involved, so great and so important have been the changes that have taken place, within the last few years, that these alone, present a mass of interesting intelligence, not hitherto embodied in any History of Nottingham. But these are not all, particular attention will be paid to the History of the town, as a Borough, in the time

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(a) Mr. White tells us that Collus was said to have been buried in Nottingham, in 3832, some time between the destruction of Sodom and the fall of Troy; the former took place in 2103, and the latter in 2816, so that, which ever period we fix upon, Mr. White must err in his calculation at least 1000 years.

of the Saxons, the various privileges enjoyed by the resident Burgesses, the civil and moral condition of its inhabitants, with their sports and pastimes before any of the towns were incorporated, the Charters enjoyed by the people, the rise, progress, changes, and abuses of Municipal Corporations, showing how a spirit of exclusion and favouritism by degrees crept in, and ultimately supplanted the liberal spirit of ancient times, becoming, in many instances, every day more corrupt, until the recent purgations which have taken place, in part restoring ancient privileges, consequent upon reform.

## CHAPTER V.

The present name of the town appears to have been coeval with Norman Conquest, in 1069; for when William the Conqueror made his natural son, lord of its castle and manor, in the foundation deed of the Priory of Lenton, among other emoluments of greater value he endowed it with the "tythe of the fish, of the fishing of Nottingham," so that must then have been its recognized name, which embraces a period of about 760 years. Mr. Blackner thinks the present name was imposed on the town, in consequence of the numerous *nutteries* in its neighbourhood, "Not" being substituted for "Nut," when orthography was less attended to, than it has been since; (a) in our judgment, it is much more likely its present name was derived from the compound Saxon "Snoden, a covert," and "Gaham," a dwelling, which may be rendered "a sheltered place of dwelling;" applying to the intertwining branches of the oaks, under which the ancients erected their cities, rather than the caves in the rocks, in which they were supposed to have dwelt. (b) Nothing, observes Dr. Thoroton, can be more manifest, than that the name of this place is of Saxon original, importing a woody or forest dwelling, (c) "Snodengahan," or "Snodengaham," was after-

(a) Thros. Hist. of Nottingham, p. 14. (b) Blackner's Int. Hist. of Nottingham, p. 8. "As a proof that this town was once beset with nutteries, when the workmen were employed removing soil, in a swampy place near Poplar, in 1793, between the Beck and the Leen, to lay the foundation of Mr. R. Denison's Cotton Mill, whole hands full of nuts were found at least two feet below the surface. (c) Mr. S. S. R. of this town, an eminent Architect, and who, in the course of his professional surveys of buildings, informs us that he had met with many houses having small round cellars under them, and as they were destitute of fire places, and having no entrance, except a round hole at the top, gave it, as his opinion, that they were never used as places of residence, by the Britons, or any other people; but that their houses were formed under the branches of trees, and those vaults underneath, were used as granaries or storehouses, in which their food, and valuables were deposited.



wards contracted to "Snottingham," the first syllable in that name presents a sufficient reason why the word was again contracted, by dropping the letter S. Sneinton, however, not presenting a similar objection, has not been interfered with to the same extent, but enjoys its Saxon name undisputed to the present day. What degree of probability attaches itself to the conjectures of some historians, that Nottingham was in a remote period, only a hamlet of Sneinton, we are not able to decide. It is very likely that both places existed in the Saxon times, and that which had the name of "Ton," or "Town" attached to it, might have been the more considerable of the two; be this as it may, Sneinton still possesses extensive caverns, of the same kind, and unquestionably of an equal antiquity with those of Nottingham. The laws, and customs, which then obtained among the people, will be carefully attended to in chronological order, when we come to treat on the Saxon times.

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## BOOK II.

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### CHAPTER I.

Very little is known of Nottingham during the time of the Roman dominancy in Britain, but we have abundant evidence to prove, that before that time it was inhabited by the Britons; and the existing monuments of British occupation, justify us, in claiming for this town, an origin of very early date. What might have been the precise condition, or number of its inhabitants, we pretend not to be able to decide; still, and in the absence of direct testimony, respecting this precise locality, forming our opinion of the probable condition of the inhabitants of this town, from what is known to have been the state of the people in other towns, similarly situated, during the same periods of time, there still remains to us, accessible means of information, from which on a careful investigation and comparison, may be elicited a more comprehensive and accurate knowledge of the state of society in those early times, than we could hope to obtain from the direct, but perhaps garbled statements of an interested or prejudiced historian. First, then, let us consider the geographical situation of the town, and see if there be an agreement in this respect, with the description given us by historians of other towns, known, or believed to have been occupied by the Britons. We are

informed that British cities were nothing more than a collection of long cabins, built of mud, and covered with reeds, (a) in each of which a number of families herded together, with so little order and decorum, as induced foreigners to believe that there existed amongst them a community of wives, (b) similar to those in India, &c. These cities were erected in the woods, and, in a great measure, sheltered by the branches of the trees, with which they were over-spread. In such situations the ancient cities of the Britons were invariably built, (c) and, except where a river afforded them protection, the whole was surrounded with a rampart and a ditch, (d) which secured the inhabitants from the insults of other tribes, whom, by force and terror, they kept at as great a distance as possible, in order to prevent any of them from establishing another city in their neighbourhood. (e) The adjoining fields were devoted to the purpose of depasturing their flocks and herds, on the milk and flesh of which, with the addition of other animals taken in hunting, they chiefly subsisted, being, as we are informed, unacquainted with the luxury of bread, and also averse from the labour of tillage.<sup>(f)</sup> It does not appear the Britons ever abandoned the form of their towns before their reduction; till then, they were round, (g) like those of most of the barbarous nations, and, as we said, their houses built of wood. Their fortifications till that time, were mounds of earth, and trunks of trees. Indeed, the name Chester, which many towns still bear, is derived from "Castrum" a camp, surrounded with ramparts. (h) If these statements are correct, the probability is, that the trees of Sherwood Forest, covered the whole of the present site of Nottingham; trees being a necessary appendage to the city residences in those early times, and that in the name of the forest, whatever it may signify, however derived, and whatever might be the reason of its being originally imposed, here alone we are justified in looking for the British name of Nottingham; which, for centuries has been considered to have been lost. If Nottingham had not been in the days of the Britons covered with trees, if it had not had the presence of the sacred oaks, whose spreading and sheltering branches embowered the habitations of the community, there would have lacked one of the most convincing proofs that Nottingham was ever a British city.

We have yet other evidences beside these, corroborative of this self evident fact. It might serve the purpose of Dr. Deering, in his day, to affirm that no evidence remained, by which the antiquity of Nottingham, beyond the time of the Saxons, could be proved; but

(a) *Ædificia sunt Galicis consimilia* Cæs. de. Bell. Gall. lib. 5, Diod. Sicul. (b) *Ib.* Carte, vol. 1, p. 72. (c) *Strabo ex. version.* (d) *Cæs. de. Bell. Gall. lib. 5.* (e) *Ib.* lib. 5. (f) *Ib.* (g) *Ib.* (h) *Strabo, p. 6.*

if it could be shown, that the Britons had ever dwelt here, it would no more prove the antiquity of Nottingham, than showing that an Indian wigwam stood on the same site a thousand years ago, would prove the antiquity of New York. There is not more candour, than argument, in a statement like this; every one must see, that we are not speaking of one casual tent having stood here, erected by a solitary family of wandering Britons, but of a community of persons, having their spiritual instructors, presenting every element of a commonwealth, permanently established among them; but because they were not of Norman, or Saxon, or Roman original, are we to say they did not constitute a city? What, notwithstanding their wealth, their multitude, and their order, because they chose to erect their dwellings according to the spirit of that age; therefore no number of habitations must, by any means, be called a city, if they happened to be sheltered with trees.<sup>(a)</sup>

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## CHAPTER II.

The high and precipitous rock on which the town is built, is so advantageous a situation, that it could not well have remained unobserved, or unappreciated by the early Britons, who would not fail to profit by it, by an early location in this place, than which it is hardly possible to conceive of any that could have been fixed upon, so easily defended against outward aggressors as this. Nor is this all, in founding their cities, the Britons always took advantage of a river, when other necessary conveniences presented themselves. How does this evidence apply? There are the Beck on the east, the Leen on the west, and the Trent on the south; three rivers, offering a threefold inducement; to say nothing of other advantages, which all combined, would undoubtedly present a resistless temptation for the foundation of a city in this place. Of the Beck, we need not say much. It rises from a spring, called Saint Ann's Well, then passing by the town, where it is now arched over, from whence it emerges in Poplar, and after a short course of about two miles, joins the Leen in the meadows.

The river Leen now constitutes the general sewer of the town, it rises in the ancient Forest of Sherwood, not far distant from New-

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(a) Strabo, the geographer, and historian of Amacia, travelled in Britain about 50 years before Christ, and was an eye witness, pays the natives more respect, in denominating them cities.

stead Abbey; which, for many generations, was a seat of the Byron family, but now of Lieut. Colonel Wildman, who for the most part, with his Lady, resides here. The river passes through Papplewick, Hucknall, Bulwell, Basford and Lenton, to which place it gives name; then by the south eastern border of the Park, and passing along the northern extremity of the meadows takes a southern direction, and having received the Beck, as before stated, falls into the Trent, a little below the bridge.

The following extract, taken from a document recording the preambulation of the Forest of Sherwood, in the sixteenth year of Henry III. successor of King John, in the year of our Lord 1232. "The boundaries of the forest came down, according to the course of the Leen, to Lenton, and from thence southward, as the same water was wont of old times to run, into the water of the Trent." Which proves the course of the Leen to have been *altered*; indeed, the ancient channel remains to this day, and joins the Trent opposite Wilford Church,

Soon after the conquest, when William de Peveler, natural son of the Conqueror, was Lord of the Manor and Castle of Nottingham, he caused an artificial channel to be cut, into which he diverted the river, from Lenton eastward; and for the convenience of the garrison, caused it to pass close by the Castle, and hence forward, pursuing an easterly direction from the south side of the town, which is its present course. About five or six years ago, at a very great expense, the whole of the river was arched over, from Castle row past the old Leen Mill, being a very great improvement on that side of the town. At what period the *old bridge* was built over the Leen, communicating between the town and the meadows, is uncertain; it is not improbable that it was erected at the same time the Lord of the Manor changed the current of the river; there certainly was a bridge over it in the time of king John, betwixt six and seven hundred years ago, for the repairing of it was undertaken by the brethren of the hospital of St. John the Baptist, in Nottingham. How long these hospitalers repaired it we know not; in the year 1545, and 36th of Henry VIII, an inquisition was taken about the Leen bridge, in which it is expressed "that the great bridge over the Leen, has from time immemorial been upheld, and repaired by the town of Nottingham, and the several Wapentakes or Hundreds of the county, the town keeping the two northern arches in repair, and partly the crown, between second and third, and the different Hundreds of the county repaired the other eighteen, according to their several proportions; but, when the flood road was formed, the commissioners took upon themselves the charge of the whole. Leland describes the Leen bridge, as being formed of good stone, one arch of which, is said to be still standing, under Mr. Curtis's

Bakehouse,<sup>(a)</sup> which is the first house at the east end of Narrow Marsh, on the south side of the street; several of the old piers were found, when the workmen were preparing the foundation of the Canal Inn, and other buildings between the Leen and Canal, on the west side of the flood road.

At the time of the civil wars, in the reign of Charles I. Colonel Hutchinson being then governor of the castle, had several of the arches broken up, to prevent the town being surprised by the royal forces. If the original bridge consisted of twenty arches, twelve more must subsequently have been added to it, for in 1724, Sir Thomas Parkyns, of Bunny, in his "Queries and Reasons," printed that year, remonstrates in these words with the Corporation, "They have recently set up a toll-house on their Trent bridge, and unreasonably exact a toll of and from the county of Nottingham, though they themselves cannot get into their own town without going over our Leen bridge, of thirty-two arches, built, and at this very day, repaired in proportion, by the seven Hundreds of our county." Seventy-three years ago the old bridge was taken down, it being found much too narrow a thoroughfare for the increasing trade of the town, and the present bridge was erected, which consists of three brick arches; two are sufficient for the river, the northern one being intended for a public bath, under which there is a spring of clear excellent water, but is seldom used for the purpose, on account of its exposed situation, though something of the kind is much needed; in this respect Nottingham is inferior to any town of its size in the kingdom. The entrance to the old bridge was at the back of the Red Lion Inn, in front of Mr. Curtis's shop, in Red Lion square, which seems to favour the opinion that before there was any road up Hollow-stone, the entrance at this side of the town, both for men and horses, was the narrow passage of Malin Hill.

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### CHAPTER III.

We now come to the Trent; respecting the origin of its name there has been hazarded many conjectures. Whatever it might have been in the time of the Britons, the present name is that by which it has been distinguished for a period of at least a thousand years.

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(a) See Blackner's Hist. Nottingham, p. 25.

“ For as a skilful seer, the aged forest wist,  
 A more than usual power did in that name consist,  
 Which thirty doth import, by which she thus divin'd  
 There should be found in her of fishes thirty kind;  
 And thirty abbeys great, in places fat and rank,  
 Should in succeeding time be builded on her bank;  
 And thirty several streams from many a sundry way,  
 Unto her greatness should their watery tribute pay. (a)

We are not aware that Ptolomy, Strabo, or any of the ancient Greek or Roman authors mention this river in any part of their writings that have come down to us, but which unquestionably must have been known to them. In seeking for the origin of the name of this celebrated river, we pass by the opinion of certain ancient writers, embodied in the above lines of Drayton, as only calculated to amuse those who seek its derivation from the French, *Trenta*, because of its receiving thirty streams, having thirty Abbeys on its banks, and having thirty kinds of fish. There are not half thirty rivers empty into it, but if every stream is to be reckoned that pays its watery tribute to the Trent, the number would be greatly exceeded; we are not aware that one of the thirty Abbeys have yet been erected on its banks, and as to the number of fish, anglers count at least thirty-four; burbot, bream, bull-head, barbel, chub, cray-fish, carp, dace, eel, flounder, gudgeon, grayling, loach, lampern, lamprey, muscle, minnow, pike, perch, rud, ruff, roach, salmon, salmon-trout, salmon-pink, sand-eel, strikeback, shod, smelt, sturgeon, stream-pink, tench, and whiting, in all thirty-four. A certain writer in a note of the grammarian Servius<sup>(b)</sup> upon Virgil, states the river Tiber, in one part of the City of Rome, had the name of *Terentum* in consequence of the rapidity of the stream wearing away its banks so fast. “*Eo quod repas terrat.*” Admitting this hypothesis, it is not unlikely that our word Trent, Saxon *Treonta*, was derived from *Terentum*, and the name given unto it by the Romans, by which it has been known for a period little short of 1850 years. The above observations of various learned gentlemen, are to be regarded merely as hypothetical, and though we may not be able to advance beyond them, yet when conjecture is supported by collateral evidence, which imparts to it a degree of probability, the labour bestowed on a patient investigation of an interesting subject like that before us, is not misspent. A part from what might, or what might not have been the Roman appellation given to this river, the Britons before their time, were not so barbarous, as not to have given it a name. An opinion has obtained, that *Abus* or *Abis*,

(a) Drayton's description of the Trent, Poly.—Olbion., song 12, p. 381. (b) Gen, Mag: vol. 30, p. 65.

is the ancient name of the Humber, which is believed to have been given to it by the Danes, in consequence of one of their ships having been wrecked in it, and their King, Humber, drowned. Dr. Gale (a) however, with good reason, believes that *Urus*, was the ancient name of that river, of which there are some vestiges remaining in the former names of *Isurium* and *Eboracum*, the modern York; the question then naturally arises, if we admit that *Urus* was the former name of the Humber, to what river do they give the name of *Abis*? to which the Doctor replies at once to the Trent, and this opinion receives almost the strength of certainty, from *Abasthorpe*, or *Appisthorpe*, which signifies a town on the *Abis* or *Apis*. *Appisthorpe* is near a town now called Littleborough, the *Agelocum* of the Romans.

Here, then, we have the ancient name of this celebrated river, recovered from very distant ages—many centuries after it was supposed to be irrecoverable lost. The etymology of this name being derived from the Greek, *ΑΡΙΣ*, a bull, the name of the chief god worshipped in Egypt, usually under the form of an ox; *Apis* (*Numis*) is frequently represented on medals in the form of a bull, generally in company, or in some way united with, a man, he is standing by *Osaris*, to whom he was sacred, and was the human representation of the same idol; *Sol*, *Seraps*, *Apollo*, *Jupiter*, and various other names were given him in later times. (b) From this, which to us appears the only sober judgment that we can form of it, from the identity of the religion, literature, manners, and customs of the Britons, with the countries of the east, that the name given to the Trent points it out as having been held in similar veneration with the Ganges, and the Nile, in those nations, and that, like them, the *Apis*, or Trent as we now call it, was deified by the ancients, and to it they paid all the worship and honours of a god! This opinion will be further corroborated when it is considered, as we shall presently show, that the same idols were worshipped, the same rites were observed, the same names were employed; and, however diversified they might have become in later ages, in the very earliest times of our national history, we can adduce the most respectable

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(a) The Rev. Dr. Thomas Gole, an English divine, was a man of extensive erudition, and one of the most celebrated naturalists of the age in which he lived; his works are voluminous and elaborate; amongst others we find *Historiæ Scriptores quinque*, &c. fol. Oxon. 1687. *Historiæ Britannicæ, Saxonicæ, Angliæ, Danicæ, Scriptores, quinque decem*, &c. fol. Oxon. 1691, &c. &c. He was born at Scruton, in Yorkshire, 1636; educated at Cambridge, and died Dean of York, 1702, *Æt.* 66; his sons, Roger and Samuel, were both talented authors. (b) *Ovid. Amal.* 1. 2. *eleg.* 13. *Herod.* lib. 2. *Apollod.* lib. 1, &c. *Diodor.* lib. 1. *Ælian Var. Hist.* lib. 4, &c. *Cic. de Nat. Deor.* 1. 1. *Plin.* c. 38. *Mel.* 1. 1, c. 9. *Plut. de Osid.*, &c. *Euseb. de Preparat. Evang.* c. 11. *August. de Civ. Dei* 1. 18, c. 5. *Macrobian. Sat.* lib. 21, c. 2.

and unequivocal testimony, which will prove that then there was but one religion, and one language in this country, in Egypt, and all the nations of the East; and from the topographical nomenclature of many of the localities round, the inference comes irresistibly upon us, that this language was spoken, and this idolatry must have been practised in Nottingham. To this day, the Trent is a noble river, exceeded only by the Thames, Humber, and Severn, in this kingdom. But time has been, when it swelled out in all the breadth and depth of a *Channel*, since then, by progressive encroachments, thousands and tens thousands of acres of excellent land, in the different counties through which it passes, have been recovered from the ancient boundaries of the Trent. And this is easily accounted for, tens of thousands tons of gravel and soil are washed down from the mountains by the rains, and carried forward by the floods, are deposited in the beds of the river every year. The action of the winds, though by a slower process, produces a similar effect; and the yeilding principle inherent in nature, called *gravity* in matter, inclines to leave an elevated position, and form the whole earth into one level plain.

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#### CHAPTER IV.

From the view of the subject refered to in the last chapter, the constantly decreasing depth of the Trent, and every other river, ceases to be a subject of astonishment or wonder.

The northern part of the North Clay in this county, is agreeably diversified with hill and dale; and the bold promontories rise abruptly from the dead level of Mission Car, and their continuance into Lincolnshire, evidently appear, at some remote period, to have been the boundaries of an ocean, which must have flowed over what is now a scene of the richest cultivation. It is impossible for any person to contemplate the prospect from "Gringley-on-the-hill," without arriving at this conclusion. It appears even more evident when viewed from below, particularly in the road from Bawtry to Retford, where the elevations have all the appearance of islands, rising from the bosom of the sea; their abrupt cliffs being to the northward, whilst they sink gradually into the level of the county. Chester has long ceased from being a sea port town, though formerly it enjoyed this honour; but the decreased depth of the Dee, has rendered it no longer navigable for ships. Liverpool also, celebrated as it now is, and justly ranking as the second port in the Empire,



cannot long continue such. The perpetually choking up of the mouth of that river, by the gravel taken down by each refluxing tide, has already rendered it impossible for more than two vessels to enter the Mersey abreast; and, notwithstanding every vigorous, and mechanical effort to remove it, judging from the past effects, ere long, despite of every effort, to a'l but the smallest craft, will present an insuperable bar, cease itself from being a sea port, and Liverpool yield the palm to another.

The small rill that divides the isle of Thanet from the rest of the county of Kent, at the comparatively modern period, when Vortergern the Briton, after the evacuation of the Island by the Romans, in the sixth century, having invited the Saxons to assist his party against some of the other tribes of the Britons, gave the Saxon allies Thanet, as a place of security for them and their shipping, which, in those days, was divided from the main land by a Channel, carrying ships of the heaviest burthen, and though now scarcely perceptible, was then nearly a mile wide. (a)

Formerly the Trent itself was navigable for ships as far as Nottingham, so recently as the reign of Richard II, in 1392, (b) and the fifteenth year of his reign, a *presentation* was made against Richard Byron and Joan his wife, daughter of William de Colwick, for hindering the course of the water of the Trent at Over Colwick; which was the right of the said Joan, as daughter and heiress of the said William de Colwick. In that presentation, the Trent is described as one of the great rivers of the kingdom of England, for the passage of *ships* and battels, (boats) with victuals and other merchandizes, from the castle of Nottingham, to the water of the Humber, and from thence into the deep sea.

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## CHAPTER V.

This ancient stream takes its rise near Biddulph, in the Moorlands of Staffordshire, and receives many tributary streams in Cheshire, whilst near its head. It soon increases to a considerable river, and

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(a) Pictorial History of England v I. p 58. (b) Was son of the Black Prince, was born in 1366. succeeded his grandfather to the throne, when only eleven years of age; and was murdered at Pontefract Castle in 1400, after a reign of three years. He was deposed by his rebellious subjects, at the head of which was his cousin, the Duke of Lancaster, who assumed the reins of government as Henry IV. in 1399, while the king was yet prisoner, and a year before his death. The unfortunate Richard, it is said, killed four of his assassins, but was at length overpowered by numbers, and slain

after the Dove, the Derwent, and the Soar empty themselves into it, it assumes its grandour and beauty; descending the high mountainous districts, its waters rush onward with great rapidity, passing close by the north side of Clifton Grove, (a) it pursues a meandering course through the delightful meadows of Nottingham; urges its way by the south front of Colwick Hall, the magnificent seat of John Musters, Esq., the successful rival of the late Lord Byron, for the hand of the beautiful and accomplished heiress, of the ancient and noble family of the Chaworth's, of Annesly Park in this county; (a) then passing onward by Newark and Gainsborough; and about twenty miles below which, at "Trent Falls," it joins the Ouse, and loses its own name in that of the Humber, which varies from four to six miles wide, and is navigated up to Hull, a famous sea port, by traders of the largest size; and thence, after having traversed a circuitous distance of near two hundred miles, enters the German Ocean in triumph, less like a river, than an arm of the sea.

The navigation of the Trent is of so great importance to the country, in consequence of the numerous communications it forms with other rivers and canals, that every means has been taken to facilitate its operation. For this purpose a side canal of ten miles in length, was made, under an act passed in 1784, in order to avoid twenty-one shoals, which occur in little more than thirteen miles of its course, between the bridges of Nottingham and Sawley, at the commencement of the Trent and Mersey Canal. This side canal, which is sometimes called "Trent canal," has a rise of twenty-eight feet, and crosses the Erewash navigation near Attenborough; it formerly terminated at Beeston, but in 1794, ten years after the first act was obtained, another was sought and granted, to extend it as far as Lenton, where it joins the Nottingham canal.

We take leave of this part of our subject with feelings of gratitude, for the superior mercies we enjoy, above those of our fathers. Time has been, when the deluded votaries of a specious idolatry came to this very Trent, to wash, to drink, and to pray unto this river, as a god! and offer sacrifices to it. The sick and dying were probably considered certain of future happiness, who could ablute in its water and expire on its banks! The tender mother, under the same delusion, casting the infant of her love into it, and watching till it sank in its watery grave! Perhaps, time has been, when the lovely meadows and the whole vale of the Trent was a sea of waters, or at least unin-

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(a) This was the favourite walk of the late amiable talented and pious Kirk White, whose lamented death took place while a student at Cambridge, in the 21st year of his age. (b) Several of this family have been enobled. This excellent Lady fell a martyr to political turbulence on the rejection of the Reform Bill by the House of Lords. The Hall at Colwick was visited, ransacked, and set fire to by a mob, which so terrified this Lady, that she never recovered, and died Feb. 12th, 1832.

dated with each recurring tide, and ships navigating the river. No doubt Nottingham has been a sea port, and it now hardly admits of a doubt, that it is destined, ere long, to be so again. (a) With a river (a sea, shall we call it?) in their front a source of protection and wealth, their ramparts, the lofty elevation of an inaccessible rock, and behind them, the wide spreading forest of Sherwood, abounding with wild fowl, and deer, we may safely hazard the assertion that no place in the kingdom, could supply more ample advantages of every kind, than those that were enjoyed by the inhabitants of this ancient British city.

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## BOOK II.

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### CHAPTER I.

We now come to the consideration of the second source of information proposed, for establishing and illustrating our position, that Nottingham was an ancient British city; which is to consider—the contemporary history of other towns, which are known, or believed to have been the residences of the ancient Britons; and from their manners, habits, and customs, we may form a tolerably accurate idea what was the probable condition of those who inhabited in this city.

We have already stated, the adjoining fields were appropriated, to depasturing the cattle of the inhabitants resident in their cities; and here no doubt, we must look for the origin of those common fields, in the immediate neighbourhood of our oldest towns, and on which we shall bestow particular attention in the progress of the work, pointing out the nature and extent of these privileges; the persons entitled to them, and the changes through which they have passed, down to the present day.

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(a) A public meeting was held in the Exchange, Sept. 4th, 1838. for the purpose of considering the propriety of forming a Ship Canal, from Hull to Nottingham, J. Heard, Esq. Mayor, in the Chair; on the motion of T. Wakefield, Esq. seconded by Mr. Wheatcroft,—It was resolved un-animously, that this meeting is of opinion that a Ship Canal from Hull to Nottingham. is desirable and would be advantageous to this town and the surrounding district. On the motion of T. Moore, Esq. seconded by Mr. Felkin, a committee was appointed to carry the former motion into effect.

From this it will be seen, that neither by any overt act of the people, or by the exercise of the royal prerogative, have those privileges ever been removed from them, but remain the indefeasible and inalienable right of the ancient burgesses to this day.

The Roman historians tell us, at the time of the invasion, by Julius Cæsar, that the only dress of the Britons, was a hide thrown over their shoulders, after the manner of a cloak, to protect them from the cold; and this hairy, or woolly mantle was fastened at the neck with a metal brooch, or a skewer made of bone or wood, (a) and at the same time, the finery of both sexes consisted in the iron chains they wore about their necks and waists, (b) with a sword or battle axe, (c) some times made of brass, which was a composition of copper and tin, and others of stone, called *tomma hawks*, many specimens of which, remain in the collections of the curious, and are called "celts." These weapons were slung from a belt round their waist, and hung by their naked sides; they also ornamented their persons with figures of different animals, both savage and tame, which they imprest, or tattooed on every part of their body; with a blue infusion of their native wood, and which they ostentatiously displayed in the field of battle, and on other public occasions. (d) If these accounts are to be credited, which are contained in the writings of Cæsar, Pliny, and Tacitus, they should be received with carefulness, for as we shall have repeated opportunities of witnessing that, when describing the barbarous state of the Britons, they are not altogether free from exaggeration. Taken with these abatements, however, they in a great degree fill up a chasm, that otherwise would be left in the early part of our national history; little, as is supplied by them, touching the manners and habits of the ancient Britons, that little must be considered valuable, where there is such a paucity of information. Looking through this medium, we see the early inhabitants of these islands, passing like spectres before us, enveloped in the mist and dimness of times, which for centuries have passed. Here we pause, and draw this conclusion, if tattooed and skin clad, was the appearance presented by the British inhabitants, such also, must have been the ancient residents of Nottingham.

(a) Cæsa. c. v. (b) This could not have been the case with all the people, their princes and priests wore chains of gold. Dio. Nic. apud Xiphil.

(c) Gladio nudis cortioribus frenttente. id (d) Cæsar De Bell. Gall. c. 5.

## CHAPTER II.

The antiquity of Nottingham is further corroborated from the rites, the priesthood, and the religion here practised, this is our fourth position, and is by far the most conclusive of any to which we have referred. Whether it may be accounted for or not, and without seeking either to justify or condemn,—that every nation of antiquity had its religion, and religious hierarchy, is an indisputable fact. Amongst the various orders of the priesthood, were usually found, the highest dignitaries of the land; who, in the exercise of their ghostly authority, claimed a submissive obedience from all ranks of the people. They not only gave the laws, but interpreted and enforced them; royalty itself was a creature subject to their control and caprice; whom they would, they set up, and whom they would they pulled down; the will of the Priest was interpreted as the will of heaven; and in every nation, a species of *Theocracy* prevailed. The form of idolatry which obtained in this country, was that which went by the general designation of Druidism, which was the form of religion originally embraced by all the nations of the earth; (a) and from the fact of this country being one of the chief seats of this idolatry, having here its principal colleges for learning, and temples for practising its mysterious ceremonies, (b) was too hastily supposed by the Roman invaders, to have originated in Britain. (c) Various derivations have been given to the word “Druid,” some take it for the old Celtic, *Drus*, a magician; others contend for the Hebrew *Drussim*, *contemplores*, men devoted to meditation; but by far the greater weight of authority, is on the side of those who derive it from the Greek *drus*, an oak, under which their priests, for the most part had their dwelling; among whom, nothing was held more sacred than the mistletoe and the oak. We hope our readers will excuse us if we should be a little particular upon this subject, for what ever light it may cast upon the moral, and social condition of the people in these early times, may be considered a direct testimony and illustration of the subject before us; and, from its being admitted on all hands, that in and about the town, this ancient idolatry very extensively prevailed, therefore a somewhat particular notice is demanded at the hands of any one who professes to write the ancient, or ecclesiastical history of Nottingham.

(a) See Milner's *Hist. of Winchester*, vol. 1, p. 7. (b) *Tacit. Agric.* (c) *Cæs. De. Bell. Gall. c. vi.*

## CHAPTER III.

All that has been recorded of our ecclesiastical history by Tacitus and others, is exceedingly brief, up to the time of Julius Cæsar, and not too charitable either. No people were more devoted to religion than the Britons though the forms had become so corrupted (a); they believed in the immortality of the soul (b), and exceedingly revered the oak and the mistletoe. (c),—the Logan, or rocking stone,—the Talman, or oracular stone. (d) They retain from the eastern patriarchs the tenet and practice of propitiatory sacrifice (e); but like the worshippers of Molech in the vale of Hinnom, they held that no sacrifice was so acceptable to their deities, or propitiatory, as man. (f) One instance of their superstition exceeded in barbarity any thing that we read of among the Ammonites, or any of the nations of the east. (g) It was their custom, on certain occasions, to construct a large wicker cage, resembling the human form, and from twenty to thirty feet in height; it was then filled with living animals and men, and combustible materials, and the whole set fire to at once. When the raging flames, the shrieking men, and the howling beasts, which were being consumed—together with the sound of their trumpets, and the Druids shouting, must have rendered the scene at once truly awful.

“The horrid King, besmeared with blood  
Of human sacrifice, and parents' tears;  
Though for the noise of drums, and timbrels loud,  
Their children's cries unheard, that pass'd through fire  
To this grim idol.” (h)

(a) See Milner's Hist. of Winchester, vol. 1, p 26 (b) Cæs. c. 6.

(c) Plin. Hist. Nat. c. XXVI. (d) Cæsar c. 6. (e) Milner's Hist. of Winchester, vol. 1, p. 29.

(f) Cæsar, c. 6.

(g) 2 Kings, xxiii. 10. See also Milner's History of Winchester, vol. 1, p. 30. In this, perhaps, Mr. Milner is mistaken: the Jewish Rabbies assure us, the figures of Molech were of brass, sitting on a throne of the same metal, having the head of a calf, on which there was a crown. Some of the statues had the arms bent inward, as if in the act of embracing. When any children were to be offered, the statue was heated nearly red, and the miserable victims were then placed in its fiery arms to be consumed. In others, the arms extended, inclining to the ground, so that a child put on them rolled off into a great fire below. There was yet another kind of statue, which was hollow, and divided into several compartments, which were filled with the following articles:—The first with meal, the second with turtles, the third with ewes, the fourth a ram, the fifth a calf, the sixth an ox, and the seventh a man. The statue was then heated, till all were destroyed; during which a loud noise was kept up, with drums, trumpets, and shouting, to drown the cries of the sufferers, which in substance very nearly resembles the horrid practice just referred to, which Cæsar states to have been practised by the Druids in Britain alone.

(h) Milton, Par. Lost, b. 1, l. 393.

Pliny (a) tells us, that after the embers were cool, the offerers used to taste the flesh of the human victims they had immolated, which we can hardly subscribe to. However, such sacrifices were once offered by our fathers; and the only monuments of these sad customs now remaining, are those conical hillocks we see on the tops of some of our mountains, which probably contain the ashes of these abhorred sacrifices. (b)

#### CHAPTER IV.

The Druidical priesthood, and their different orders, bear a striking resemblance to the Aaronic priesthood, as may be seen by a slight comparison, both in office and dress. There was the Arch-Druid and the Druids, these formed their chief order. After these, the Bards or Poets; then the Vates or Priests, and the Eubages, who studied natural philosophy; these constituted the body of the Druids, who were men of the most profound erudition, generally devoting fifteen or twenty years to close study of theology, law, mathematics, &c., preparatory to their entering on the public discharge of any of the duties of their office. It is said they did not commit any of the doctrines of their religion to writing, wishing to keep them secret; and handed them down from one to another orally in verses, committed to memory for that purpose. But that the Druids were acquainted with letters, and extensively practised the art of writing, is admitted by Cæsar, who tells us they employed the Greek character, (c) and that they wrote on the bark of trees, prepared on purpose, and on small birchwood tables, (d) which were called poet's tables.

The Bards were divided into chronologers, heralds, and comic or satirical poets. The first attended on great men, and registered

(a) See Pliny lib. xxx. c. 1.

(b) Milner's History of Winchester vol. 1, p. 9.—

There is this remarkable custom still observed in Dunkirk and Douay, in Scotland: On the first of May, (O. S.) the young people build an immense figure of basket-work and canvass, to the height of twenty or thirty feet, which, when properly painted and dressed, represents a huge giant, of human form. A number of young men inside, then raise the image from the ground, and move it from place to place, collecting money. The popular tradition concerning this custom is, that this figure represents a great giant, who used to eat up the inhabitants of these places, till he was killed by their patron saint. See Milner's His. Ib. A memorial of the same fact, no doubt, was originally intended in the institution of a popular custom, which is still observed in London. On the first of May, a large figure is made, covered with green cloth, decked with a profusion of ribbons, which is then carried through the principal streets of the metropolis, attended with music and dancing. This is, no doubt, a relic of Druidism, and called dancing jack on the green; it is only observed by the sweeps.

(c) Cæsar. c. v.

(d) Tol. p 84.

their genealogies and achievements in war. The second attended the army, and encouraged the soldiers to fight. The third attended the feasts and pastimes of the common people, as singers and musicians. (a) A story of one of the bards is yet extant, which shows they did not always want flattery or wit. (b) Luernius, a gallant prince, who was very rich and liberal, the father of Bittus, who was beaten by the Romans, (c) held by appointment a certain feast, and one of these poets coming too late, met the prince as he was leaving the place. The bard began to sing Luernius's praise, and extol his grandeur, but at the same time to lament his own unhappy state, in not having had that day the honour of enjoying his prince's fare. The king was so delighted with the poet's ingenuity, that he called for a purse of gold, and threw it to the bard, as he ran by the side of his chariot, when after having taken it from the ground, he began to sing again, to this purpose, that out of the tract of his chariot sprung up gold and blessings to man.

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## CHAPTER V.

The robes of the Priests, &c.—We have already said that the Druids were chosen out of the principal families, and the honours of their birth considered in connection with their mysterious office, procured them the highest reverence among the people. They had various kinds of dresses, according to the place they were in, and the duties they had to discharge. When officiating at their altars they were dressed in long garments, containing six different colours, while those of the nobility, the king excepted, whose robes had seven, the nobles had four, and extended no lower than the knees. They usually carried in their hands a long white rod, or staff, and a white linen surplice, thrown over their shoulders. They wore the hair quite short, and their beards long. One of the most important articles of their dress, was the Druid's "breast-plate," in imitation of the "Urim and Thummin" in that of Aaron, and vulgarly called the "Druid's egg." Pliny, who had seen one of these rare articles, gives us the following account of it. The anguinum, was a cartilaginous incrustation about the size of an apple, and full of little cavities like those on the legs of a polypus, encased with gold, and worn suspended from a gold chain, round the neck. The following

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(a) Tol. p 84. (b) Athenæus. Posidonius the Stoic. (c) Epod 16, v.6, Val. Max. lib 9, Flar. lib. 3  
E



parabolic, and ingenious account of its formation, was given to the vulgar, by the priests. The serpent was in all countries sacred to the light and wisdom, of which it was the appointed emblem. The priests said, a great number of serpents interwoven and twined together, formed this egg, which afterwards was raised up into the air by their hissing, and caught in a clean white cloth before it fell to the ground; the person who caught it was said to be obliged to ride a swift horse with full speed across a river, which stopped the serpent that pursued him with fury. It was afterwards encased in gold, and thrown into a river; and if genuine, would swim against the stream. This insignia or badge of distinction worn by the Druids, having been produced as was said by a number of serpents, which were the emblems of light, was obviously an imitation of the breast-plate worn by the Jewish High Priest, in which were placed twelve precious stones, engraven with the names of the twelve tribes of Israel, and set in ouches of gold, *Exod.* 28, called the "Urim and Thummim," that is lights and perfections. Man being born in a state of ignorance and imperfection, therefore knowledge, however obtained, is supernatural to him, the very thing which the Druids intended, when they parabolically taught that if the egg were genuine, it would swim against the stream.

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## CHAPTER VI.

We now come to the sacrifices offered by the Druids, and the places chosen by them for that purpose, and in this respect we trace a conformity with all the nations of antiquity. Lambs, sheep, goats, oxen, &c. were usually offered on their altars, and the places chosen for the performance of their sacred rites, was in a grove of emblematic trees, of which the favourite was the oak, and on the top or side of a hill they erected their altars; on which, as on the Jewish altars, the fire was always kept burning; (a) there they offered their daily morning and evening sacrifice: the priests walking round their altars from east to south, in imitation of the sun, and then ascended the highest part of the hill, to offer their prayers. The poet Lucan, in his celebrated passage on the Druids and the doctrines of their religion, has not forgotten their sacred groves.

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(a) Pict. His. of England, p. 62. Borlace's Cornwall, p. 67. Roland's Mona Antiqua. p. 65. Macpherson's Dissertations, s. 203. Boucher's Histoire de Provence, p. 168.

"The Druids, now while arms are heard no more,  
 Old mysteries and barbarous rites restore :  
 A tribe, who singular religion love,  
 And haunt the lonely coverts of the grove ;  
 To these, and these of all mankind alone,  
 The Gods are sure reveal'd, or sure unknown.  
 If dying mortal's doom they sing aright,  
 No ghosts descend to dwell in dreadful night ;  
 No parting souls to grisly Pluto go,  
 Nor seek the dreary silent shades below.  
 But forth they fly, immortal in their kind,  
 And other bodies in new worlds they find ;  
 Thus life for ever runs its endless race,  
 And like a line, death but divides the space :  
 A step which can but for a moment last,  
 A point between the future and the past,  
 Thrice happy they beneath their northern skies ;  
 They that worst fear, the fear of death despise ;  
 Hence they no cares for this frail being feel,  
 But rush undaunted, on the pointed steel :  
 Provoke approaching fate, and bravely scorn,  
 To spare that life which must so soon return." (a)

We believe no Druidical grove remains in any part of Great Britain, at the present day, though ancient oaks are said to have been standing around a circle of upright stones, set in the earth, which are supposed to have constituted a temple of the old religion, in the parish of Holywood, in Dumfriesshire, little more than a century ago. There are now no trees near the spot, but in an account published in 1791, the minister who was then living in that parish, is said to have dug out several roots of the old oaks, which were then in his possession. (b)

## CHAPTER VII.

Cæsar informs us, that the Gods worshipped by the Druids, were Mercury, Apollo, Mars, Jupiter, and Minerva. It is to be regretted that the historian did not give us the Celtic names of the deities in question, rather than the Roman names, which he considered from the similarity of attributes, to be their representations. Livy how-

(a) *Pharsalia*, i. 462. Rowe's Translation. See also iii. 399, &c.  
 (b) Philobibulus ex San-  
 coniath. Cic. de Nat. iii. 22.

ever tells us, that the Spanish Celts called Mercury, Teutates; the same word no doubt with the Phœnician Taaút, and the Egyptian Thoth, which is stated by various ancient writers to be the same with the Hermes, of the Greeks, and the Mercury of the Latins, (a) Mercury is probably also the oriental Budha, and the Scandinavian Woodan; the same day of the week it is observable, being in the Oriental, the Northern, and the Latin countries, respectively called after, or dedicated to these three names. Hesus appears to have been the Celtic name for Mars. Apollo seems to have been considered the same with the Sun, as he also was by the Greeks and Romans, and to have been known by the name of Bel, the same with the Oriental Baal. Jupiter is thought to have been called Jow, which means young, from his being the youngest son of Saturn, whom both Cicero and Dionysius, of Halicarnassus, affirm to have been also adored by the Celtic nations. Bacchus, Ceres, Proserpine, Diana, and other gods of Greece and Rome, also appear to have had their representatives in the Druidical worship, if indeed the classic theology did not borrow these divinities from the Celts, which is quite as likely as the contrary. There was another of the Celtic Gods, called Taranis, which signifies the God of Thunder.

No dreadful thunder arm'd Jove's hand till he  
Himself stood priest before th' attentive gods." (b)

Notwithstanding the assertion of Cæsar, that the ancient Britons had no images of the Gods they worshipped, we have the more sober and trustworthy testimony of Gildas,<sup>(c)</sup> surnamed the Wise, a monk, and a celebrated preacher of the gospel in the fifth century, who affirms that they had such images, that Druidism long survived the imperial edicts and persecution of Rome, and that there existed in his time numbers of unconverted Britons. They had, he says, a greater number of Gods than the Egyptians themselves; there being hardly a river, lake, mountain, or wood in the island, that was not either considered a God, or had some God sacred to it. Montfaucon has given an engraving of the God Hesus, or Mars: and another Celtic God appears to have been Cernunno, from bas-reliefs found under the choir of the Church of Notre Dame, at Paris, in 1711. (c)

Among other objects of adoration, the Druids worshipped the elements of fire and water, the moon, and the host of heaven. Although sometimes they worshipped in the same place together, at other times their rival and contending votaries were separated. We know at least that contests took place between them in the

(a) Manilius, lib. 5.

(b) *Epistola de Excidio Britannicæ et Castigatio Ordinis Ecclesiastici.*

(c) *Pict. Hist. England*, p. 69.

East, and there are some traces to be detected of their separation and mutual aversion in the West. All these differences no doubt originated in the preferences gradually more and more displayed by some persons for one, and some for another, which had been all at first objects of a common worship, until at last the preference became an exclusive adoption, and the God of the rival sect was either altogether deprived of divine honours and veneration, or denounced as a demon, or power of evil, and as such believed in, though with trembling and abhorrence. But after a while these divisions might be healed, and the contending votaries laying aside their hostility again coalesce, as was the case with the worshippers of Baal and Ashtaroth, and the adorers of fire and those of water consenting to bow down and worship both deities together. Strabo seems to refer to this union of idolatries, in the doctrines which he says, were held by the Druids respecting the destiny of the material world, in which they taught that it was never to be entirely destroyed or annihilated, but was, nevertheless, to undergo an endless succession of great revolutions, some of which were to be effected by the power of fire, others by that of water.

In common with all other ancient nations, the Druids worshipped the serpent, under the emblem of light and life, which shows that Druidism must have been derived from the most ancient traditions of men.

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## CHAPTER VIII.

Lucian, a Priest of Antioch in the fourth century, relates that in Gaul, he saw *Hercules* represented as a little old man, called in the language of the country "Ogmios," drawing after him a great multitude of persons, who seemed most willing to follow, though dragged by fine and almost imperceptible chains, which were fastened at the one end to their ears, and held at the other, not in either of Hercules hands, which were otherwise employed, but fastened to his tongue, in which there was a hole on purpose, where all these chains centered. Lucian wondering at this manner of portraying Hercules, was informed, by a learned Druid who stood by, that Hercules in Gaul, did not, as in Greece, betoken strength of body, but the force of eloquence, which was there very beautifully displayed, in the explanation of the Druid, concerning the picture that hung in the temple. The reason why Ogmios was the name attached to the British Hercules was, as Lucian informs us, because it

was the Gallic word for eloquence, (a) which enabled a man to exercise a far greater authority than he could win for himself by the exertion of any physical power. "Hercules Ogmios," of the Britons, was intended to represent, before the young aspirants to fame, the excellency of letters, and from the Druids, no doubt, has descended that popular axiom, that "knowledge is power;" and, that learning, from which the force of eloquence proceeds, and on which it depends, exalts a man to the highest dignity, and when judiciously employed lifts him above the level of his species and invests him with a supernatural authority, as if he were a god. From Ogmios, has descended Ogum, Ogam, and also Ogma, which signifies in the Celtic language, "the secret of letters," or the alphabet; also an occult manner of writing, called in the Irish, Ogum, or secrets; (b) from whence we may draw this conclusion, that as they had a god dedicated to learning, its attainments were held in the highest esteem—that "ignorance being the mother of devotion," was no axiom of theirs; though, like the Greeks and others, they were guilty of idolatry, yet the Druids were real philosophers, ever learning but never coming to a knowledge of the truth.

Every thing that was beautiful or excellent in Druidism, is disfigured or debased by the degenerate rites with which it was allied, until the whole became abominable. The nearer we approach to the period before letters were known, when hieroglyphical representations were employed in writing, to convey their thoughts from one to another, the more bold and florid the language employed by the ancients becomes, every paragraph and sentence abounding with poetical figures. If they discoursed on the elements, the qualities of matter, the constellations, or the planets, the parabolic form of discourse was invariably employed, and persons were spoken of, when only they intended inanimate things. The difficulties in which this sort of teaching involved the unlettered, who frequently were at a loss to know whether a literal or a figurative meaning was intended; paved the way for innumerable mistakes. Hence objects of divine worship have been coined out of rhetorical flights of orators, or flattering addresses of Panegyrists; even metaphors and epithets have been transformed into Gods, from the most interested motives; to which cause, much more than to ignorance, may be ascribed the multiplication of Gods among the heathen. To this may be subjoined the preposterous emulation of nations in ascribing to their own Gods or heroes, whatever qualities were pre-eminent in those of other nations. Cornutus, a stoic philosopher, confesses the great variety, and consequent perplexity that occurs in pursuing the history of

(a) *Phone te ephichoto. Ubi supra.*

(b) *Sir James Ware's Antiquities of Ireland.*

Hercules; it is difficult to know certainly, what were his real achievements, from those which were fabulously reported concerning him. Having been an excellent general, who had in different countries signalized his valour, thinks it not probable that he went only armed with a lion's skin and a club, but that he was represented after death with these, as symbols of generosity and fortitude; for which reason also he was pictured with a bow and arrows. And hence it is that every nation had its Hercules, to whom were ascribed the subduing of tyrants, exterminating wild beasts, promoting or exercising commerce, protecting and improving learning, and almost every excellency of character. Hercules became quite a favourite God among the nations, wherever any robust person was found, represented with a skin and a club, a bow and arrows, was straightway deemed to be Hercules, for such was the representation of the Egyptian, the Indian, the Pœnician, the Cretan, the Theban, or Grecian, the Roman, Gallic and British Hercules.

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## CHAPTER IX.

“ Perhaps thou know'st not my superior state,  
 And from thy ignorance proceeds thy hate ;  
 The king of Gods begot me : what shall be,  
 Or is, or ever was, in fate I see  
 Mine is the invention of the charming lyre ;  
 Sweet notes and heavenly numbers I inspire.  
 Sure is my bow, unerring is my dart ;  
 But, ah ! more deadly his, who pierc'd my heart.  
 Medicine is mine ; what herbs and simples grow  
 In fields or forests, all their powers I know ;  
 And am the great physician call'd below.

*Ἀπόλλων* is the Greek name from which Apollo is derived, the same as Sol in Latin, from *Solus*, alone, because there is but one, and in heathen mythology is applied to the sun. There can be no doubt that this was an object of idolatrous worship amongst the Druids; but the question arises, by what name was he known? Apollo being derived from the Greek, which is much less ancient than the Celtic language, could not be the name by which it was distinguished among the Britons. Besides, the sun's religious attribute *Bel*, *Beal*, *Belim* or *Belinus*, *Grian* is one also of the many Celtic names given to the sun, by which it is still distinguished in the Irish, and that from his beams. Greannach, in the same language, signifies long

haired, which is a natural epithet of the sun in all nations; the Romans had Apollo Grannus, which was an union of the names both in Celtic and Greek; a statute of which was dug up many years ago at Merchiston, near Edinburgh, with an inscription of Apollo Grannus, <sup>(a)</sup> which is supposed to be of Roman origin, and here we incidently meet with three important sources of information illustrative of our subject, to which we will very briefly advert. First, that there was an identity of object in the idolatrous worship of the Druids and Romans, in some important features attending them, if not in every particular; and that their disagreement from each other arose, not so much from things, as from names. Secondly, we learn the design of those ancient mercurial heaps of stones which are sometimes found on the tops of our mountains, called Garns, or Carns, which are round in form, tapering upward, and on the summit of which was always placed a large flat stone. Every Carn being so disposed as to be in sight of another. <sup>(a)</sup> That there were such Carns erected in Nottingham, as well as upon the hills in its immediate vicinity, is too obvious to admit of a doubt, as we shall presently see. Thirdly, this important fact is elicited,—that the Apollo of the Greeks and Romans, the Bel of the Britons and Babylonians, and the Baal of the Hebrews and the Ammonites, were the same, and that in all cases their ceremonies were celebrated with fire. The fact stood thus, on May eve the Druids made prodigious fires on these Carns, which, as we said, were in sight of each other. These fires were in honour of Beal, or Balan, latinized by the Romans into Belenus or the sun. The first of May is called both by the native Irish and the highlanders of Scotland, *La Bealteine* and so it is in the Isle of Man. In the Armoric language, a priest is still called Belic, or the servant of Bel, and the Priesthood Belegieth. Two of these fires we have mentioned were kindled by one another, on May eve, in every village of the nation and throughout Gaul, as well as the lesser Islands.

Between these fires, the victims that were to be sacrificed had to pass, which gave rise to the old proverb “between Bel’s two fires,” meaning one in a great straight, not knowing how to extricate himself. It was customary for the Lord of the place or his son, or some other person of distinction to take the entrails of the sacrificed animal in his hands, and walking barefoot over the coals thrice, after the flames had ceased, and then to carry them straight to the Druid, who on these occasions wore an ephod, made of a whole skin, and stood beside the altar. If the nobleman escaped harmless, it was reckoned a good omen, welcomed with loud acclamations, but if he

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(a) See Camden’s description of Scotland. Second Edit. by Sir James Dalrymple, Bart.

received any hurt, it was deemed unlucky both for himself and the community. To this superstitious rite there is an evident reference in the commencement of consul Flaminius's speech to Equanus, the Sabin, at the battle of Thrasimenus, as related by Silius Italicus. (a)

Then seeing Equanus near Soracte born,  
In person, as in arms, the comeliest youth :  
Whose country manner 'tis when th' archer keen  
Divine Apollo joys in burning heaps,  
The sacred entrails thro' the fire unhurt  
To carry thrice : so may you always tread,  
With unscorch'd feet, the consecrated coals ;  
And o'er the heat victorious, swiftly bear  
The solemn gifts to pleas'd Apollo's altar.

These rites obtained very extensively in Italy, as may be seen both in the Sabins and Umbrians, inhabiting the cantons, and are confessedly the most ancient people in Italy, (b) before the coming thither of any of the Greek colonies. But they are by Solinus. (c)

Aequanum noscens ; patrio cui ritus in arvo  
Dum pius Arcitevens incensis gaudet Acervis  
Extra ter innocuos late portare per ignes ;  
Sic in Apollinea semper vestigia pruna  
Inviolata teras ; victorque vaporis ad aras  
Dona serenato referas Solennia Phæbo.

Lib. 5, ver. 175.

From the historian Bocchus by Servius, (d) from Marc Antony, by Isadore (e) and Tzetzes, in direct terms, styled them the issue of the ancient Gauls, or a branch of them, and Dionysius Halicarnasseus, proves out of Zenodotus, that the Sabins were descendants of the Umbrians, (f) and in the district of the Faliscans, about twenty miles north of Rome, and on the west side of the Tiber, there is a mountain, on the top of which were the grove and temple of Apollo, and also his Carn, to which Silius, in the verses just quoted alludes. Pliny has preserved to us the very name of the particular race of people, to which the performing of the above annual ceremony belonged. (g) Great advantages were rewarded to those who

(a) Tum Soracte satum, præstantem corpore et armis. (b) Dionys Halicarn, Antig. Rom. l. 1. Plin. Hist. Nat. l. 3 c. 14. Flor. l. 1. c. 17. &c.

(c) Bocchus absolvit Gallorum veterum propagationem esse. Marcus Antonius refert. In lib. 12, Aeneid ante fin. (d) Umbri Italiae gens est, sed Gallorum veterem propago. Origin. lib. 9 cap. 2. (e) Antig. Rom. lib. 1. (f) Hist. Nat. lib. 2, cap. 2. Idem ex eodem Solin Polyhist. cap. 8.



were the principal actors in this ceremony, being afterwards exempted from serving in the wars, as well as from the trouble and expense of discharging several public offices. They were called "Hirpins," which seems to have been an epithet of honour conferred upon those who had passed through the fire to Baal; Virgil, who is much older than Silius or Pliny, introduces Aruns, forming a design to kill Camilla; and thus praying for success to Apollo.

O, patron of Soracte's high abodes  
 Phœbus, the ruling power among the God's!  
 Whom first we serve, whole woods of unctuous pine  
 Burn on thy heap, and to thy glory shine;  
 By thee protected, with our naked soles  
 Through flames unsing'd we pass, and tread the  
     kindl'd coals;  
 Give me propitious power, to wash away  
 The stains of this dishonourable day.

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## CHAPTER X.

Besides those on the first of May, which were called "Beltein," or "Beltane," there was another annual fire on the eve of the first of November, at which there were also the offering of sacrifices. These fires were called "Tine tlach'd-gha," from "tlach'd-gha," "Fire-ground," because the Arch-Druid of the realm had his fire on that eve, on a piece of ground appointed by this supreme monarch for that purpose, for which he paid an annual acknowledgment to the king, called "Sgreaboll." To this Cæsar alludes, when he says that the Arch-Druid and the Druids assembled in a consecrated grove. (a) This ceremony, on the eve of the first of November, was conducted after this manner, which very nearly corresponded with the Jewish feast of unleavened bread. Every fire on that evening was extinguished throughout the country, and every house swept, and then every master of a family was religiously obliged to take a portion of the consecrated fire home, with which to kindle a new fire in his house, for the ensuing year, which was to be lucky and prosperous. He was, however, to pay for his future happiness to the Priests, and whether the event proved answerable or not, if his house afterwards should be burnt, yet he was taught to ascribe his

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(a) Cæs. De Bello, Gall. lib. 6. cap. 13.

misfortune not to any want of virtue in the consecrated fire, or of validity in the benediction of the Druid, but as a punishment for some new sin. If any man had not cleared his last year's dues to the Druid, he was neither allowed to have a spark of this holy fire from the sacred Carns, nor dare any of his neighbours allow him to take the benefit of theirs, under pain of excommunication. The way in which these November fires were managed, gave an amazing influence over the people to the priests; if any man would bake, or roast, or boil, or warm himself, all dues must be paid by the last of October, if a man would live the winter out; so that excommunication by the Druids was worse than death. The limits of this work forbid us to trace these fires to their origin, which were undoubtedly symbolical representations of Divine institution; yet, in process of time became so encumbered with superstition, that a knowledge of the true mystical design of them was lost. But it is not a little remarkable how many of the Druidical superstitions were engrafted upon the pure stock of "Christianity," and amongst others the idolatry of fire. For at the present day, in some parts of Ireland, sacred fires are made on the first of May, that the fruits of the earth may be prosperous and grow. At midsummer, fires are made to obtain blessings on the fruits of the earth, and on the last of October, was a thanksgiving for the harvest. These were afterwards called "St. John's fires," through which the people might be seen running and leaping, and were not only proud of passing unsinged, but as if it were some kind of lustration, thinking themselves in a special manner blest by this ceremony. (a) At the time of the summer Solstice they make fires on the tops of the hills, and every member of the family is made to pass through on the twenty-first of June, and they reckon this ceremony to insure good fortune during the succeeding year. (b) And in Scotland, on the first of May, (O. S.) an annual festival is held, which is called Beltane or Beltein. A town in Perthshire is called "Tille Beltein," the eminence or high place of the fire of Baal. Near this are two Druidical temples of upright stones, with a well adjacent to one of them, still held in great veneration for its sanctity, and on that account visited by vast numbers of superstitious people. In the parish of Callandar, (same county) upon Beltein days, they cut a circular trench in the ground, sufficient to inclose the whole company assembled. They then kindle a fire, and dress a repast of eggs and milk, in the consistence of a custard; they knead a cake of oatmeal, which is toasted at the embers against a stone. After the custard is eaten, they divide the cake into as many equal parts, as there are persons present, and one

(a) Tol. Hist. Dru p. 112.

(b) Macpherson. Crit, Diss. x. v li.

part is made perfectly black with charcoal. The bits of cake are then put into a bonnet, and are drawn blindfold, and he who draws the black bit, is considered as devoted to be sacrificed to Baal, and is obliged to leap three times through the flames. (a) And in Lancashire also, similar rites are yet observed. (b)

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## CHAPTER XI.

Besides the Druidical temples at Holyhood, Stonehenge, and Aubury, there is a very remarkable one in the village of Classerniss, in the island of Lewis. The circle consists of twelve obelisks, about seven feet high, and six distant from each other; in the centre is a stone thirteen feet high, in the perfect shape of the rudder of a ship. Directly south from the circle, there stand four obelisks running out in a line, another such line due east, and a third to the west; but to the north, there is an avenue of two straight ranges of obelisks of the same size and distances with those of the circle, each side consisting of nineteen stones, the thirty-ninth being in the entrance of the avenue, which is eight feet wide. This temple stands astromically, denoting the twelve signs of the zodiac, and the four principal winds, each subdivided into four others, by which, and the nineteen stones on each side the avenue, betokening the cycle of nineteen years, clearly shows that it was dedicated to the sun, the elements, and seasons, particularly the winds and the sea, by the rudder in the middle; from whence it appears very evident, that Druidism was the most ancient form of idolatry, being, in its objects, precisely the same as that intended by the builders of the tower of Babel, whose top was for the worship of the heavens. (c) Several of the ablest and most laborious among the modern investigators of the subject of Druidism, have found themselves compelled to adopt the theory of its oriental origin. Pelloutier, from the numerous and strong resemblances presented by the Druidical, and the old Persian religion, concludes the Celts and Persians to be the same people; and the Celtic tongue, to be the ancient Persic. (d) Mr. O'Brien is of the same opinion; the late Mr. Reuben Burrow, distinguished for his intimate acquaintance with the Indian astronomy and mythology, in

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(a) Dr. Jamieson Dict. Scottish language, also Mr. Pennant's Tour in Scotland 1799.

(b) Ide Macp. (c) Gen. c. 11, v. 4. (d) Histoire des Celtes, p. 19. See also Borlase's Antiq. of Cornwall, c. xxii

a paper in the Asiatic researches, decidedly pronounces the Druids to have been a race of emigrated Indian philosophers, and Stonehenge to be evidently one of the Temples of *Budha*, (a) Mr. Morris, who considering the Budhists to have been a sect of the Brahmins, concludes the celebrated order of the Druids, anciently established in this country, were the immediate decendants of a tribe of Brahmins, situate in the high northern latitudes bordering on the vast range of Caucasus, that these, during a period of the Indian Empire, when its limits were most extended in Asia, mingling with the Celto Scythian tribes, who tenanted the immense deserts of Grand Tartary became gradually incorporated, though not confounded with that ancient nation, introduced among them the rites of the Brahminical religion, occasionally adopted those of the Scythians, and together with them, finally emigrated to the western regions of Europe. (b) Be this as it may, the connection of Druidism with the ancient creeds of religion and philosophy of the most polished nations, annihilates the accusation of barbarism so frequently, in ignorance of their real character, brought against them. Instead of being ignorant savages, we have reason to believe, as compared with the learned in other nations, they walked in the highest ranks of the republic of letters. Diogenes Laertius describes the Druids as holding the same place among the Gauls and Britons, with that of the philosophers among the Greeks; of the Magi, among the Persians; of the Gymnosophists, among the Indians; and of the Chaldeans, among the Assyrians. He refers also to Aristotle, in one of his works now lost, affirming that philosophy had not been taught to the Gauls by the Greeks, but had originated among the former, and from them had passed to the latter. The introduction into the Greek philosophy of the doctrine of the metempsychosis is commonly attributed to Pythagoras; and there are various passages in ancient authors, which make mention of, or allude to some connection between that philosopher and the Druids, it is quite certain that the doctrines of both were the same; and that Pythagoras, the ancient Grecian philosopher, derived his philosophy from the Druids. A report is preserved by Clement, of Alexandria, that Pythagoras in the course of his travels, studied under the Druids and Brahmins, (c)

(a) Asiatic Researches, ii. 488.

(b) Clement. Strom. i. 35.

(c) Indian Antiq. vol. vi. Part I. p. 18.

## CHAPTER XII.

If such be the admitted fact, this country claims a much remoter antiquity than is usually assigned to it. The statements of Cæsar concerning Britain, should be received with considerable caution and abatements, when he represents the Britons as being few, poor, and simi-cannibalized savages, which could not have been the case; for could he think to dazzle the eyes of his countrymen with the brilliancy of his achievements, and ultimately accomplish his designs against the liberty of Rome, by crushing a handful of wild bushmen and savages? If Britain was then so contemptibly weak as he represents it, what need could he have for his chosen legions; and how was it that he could only maintain himself upon the coasts, when he had a powerful army of thirty thousand men. The exportation of tin, having in a great measure ceased before this time, it is very probable that in a great measure the strength of Britain had fallen into decay when Cæsar landed on her shores; but the fact itself is evident, that though humbled and prostrate in the ashes of her former greatness, Britain, even in those days, must have had a numerous population within it, whose marshall valour and bravery were well understood and appreciated at Rome.

Long before the time of Julius Cæsar, Britain was well known to the ancient Greeks; Hecateus, Edoxus, Hipparchus, Erastosthenes, Polybus, Posidonius, not to speak of Dicearchus, and others, knew a great deal of truth concerning the British Islands, in consequence of the frequent navigations of the Greeks in these parts, after the way had been shown them by the Phœnician traders from Asia. Heroditus, 413 years B.C. affirms that his countrymen had their tin from hence, (a) and most of the Greek writers knew many more particulars concerning the British Islands, even the most remote and minute of them, than Cæsar himself, or any of the Latin historians who came after him, not excepting that instructive and judicious geographer, Strabo; for it is evident the later Greek authors were implicitly credited by the Roman writers, who themselves were not certain whether Britain was an island or not, though it was constantly affirmed and maintained to be so by the ancient Greeks. Pytheas, in his work, entitled, "The Tour of the Earth," before his contemporary, Timeas or Dicearchus wrote, or Erastothenes and Polybus, who followed each other, bearing similar testimony concerning

(a) Oute nessous oida Kassiteridas, eousas, ekton ho kassiteros, hemiaphoita, lib. 3, cap. 115.

Britain. Pytheas, to whom we have just referred, and also Euthymenes, were sent by the senate of Marseilles, a Greek colony, to make discoveries about 400 years B. C. The former to the north, and the latter to the south. Euthymenes sailed along the coast of Africa, passed the line, and Pytheas landed in Britain. Both the one and the other made such discoveries of the places they visited, as confirmed the ancient history concerning them. Nothing can be more correct than the several descriptions given us of these northern islands, by this ancient Greek philosopher. The temperature of the climate, the varying length of days and nights, the strange birds on the island, and the monstrous fishes of the northern ocean, are accurately described by him. He was the first to mention Thule, (a) meaning the utmost inhabited island beyond Britain, from which it is about six days sail, and near the frozen sea, which agrees with that we call Iceland; but Strabo, who wrote several ages afterwards, without ceremony, calls Pytheas a most lying fellow, (b) and denies that there was a Thule, which was or could be inhabited, though it has since been found that Pytheas was much more right than himself. The utmost island to the north, Strabo says is Ireland, which being situated beyond Britain is with difficulty inhabited, because of the cold, and all beyond that is uninhabitable. This of Ireland, north of Great Britain, whereas it is due west; scarcely habitable for the cold, when on the contrary it is one of the most mild, luxuriant, and delightful countries under heaven. These misrepresentations Strabo repeats in two or three places, from whence he draws this conclusion, that there is no Thule, since nothing is habitable beyond Ireland, which, according to him, is the most northerly part of the habitable earth. With this evidence before him, whether is the more accurate on this subject—the ancient Pytheas, who lived in the time of Alexander the Great, or Strabo, who wrote ages afterward, in the time of Augustus and Tiberius.

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(a) Tul, an ancient language, signifies naked and bleak, a proper description of Iceland, which has neither tree nor shrub throughout the whole of its extent. Tuli, without any alteration, signifies the naked island. See O. Clery, in his vocabulary of obsolete words. (b) Strabo, lib. 1, p. 10, Ib. lib. 2, p. 124.

## CHAPTER XIII.

We have already shown that before the time of the Romans, trade was carried on between this country and ancient Greece, and have rested this fact upon no equivocal authority ; this at least carries our history back to the time of Alexander the Great. In furtherance of our object, it is necessary that we glance at the still more ancient commerce that was carried on between this country and the most remote nations of the east, through the means of the Phœnician navigators.

It would have been interesting to have traced the small beginning of British commerce, hidden as it is in the depths of ancient time, noticing its diversity and increasing magnitude, through successive ages down to the present day ; but we must confine ourselves to a few brief remarks, which are necessary to subserve our present design.

The oldest notice, or at least the one professing to be derived from the oldest sources, which we have of the Phœnicians trade with Britain, is that contained in the narrative of the voyage of Himilco the Carthaginian navigator, which is given us by Festus, of Avienus. This voyage is supposed to have been performed about 1000 years before the commencement of our era. In the account which it gives, Britain is described as being rich in tin and lead ; the people are spoken of as being numerous, high spirited and active, and eagerly devoted to trade. This was in the early part of the reign of Solomon, and the zinnith of the ancient British commerce. It does not appear that at this time, the British merchants had ever turned their attention to the advantages of navigation, though the ships of foreigners were constantly thronging their ports ; which may perhaps be accounted for, by the evident fact, that having a monopoly in their articles of exportation, the trade of tin alone must have been to them a source of enormous wealth. Perhaps Himilco is not quite correct, in saying the Britons had no ships made of timber wherewith to make their voyages, but in a wonderful manner effected their way along the water in boats constructed of wickerwork, and covered with skins sowed together. Strabo also mentions the trade of the Phœnicians and other colonists with "Cassiteridas," signifying in Greek, the Tin Islands, which he describes as being ten in number, lying close to one another in the main ocean, north from Artabri. This trade was at the first exclusively in the hands of the Phœnicians, who carefully concealed it from the rest of the world .

The people wore black cloaks girt about their waist, which reached

to the ancles, and usually, when walking, had sticks in their hands, and their beards were unshaven ; they had mines of tin and lead, and these metals, adds the historian, along with skins, they bartered with foreign merchants who resorted to them, in exchange for earthenware, salt, and articles of bronze. We might add the testimony of Aristotle, in support of our position concerning the Phœnician commerce with Britian, and by whom, he declares, Ireland to have been discovered in consequence. We have no account of tin having been produced in the early ages, in any other countries than Spain and Britain.

This metal was used in considerable quantities by the ancients, being the alloy with which, before they attained the art of giving a high degree of temperature to iron, they hardened copper, which is then strong, and will carry a very sharpe edge. Of this compound they made knives, axes, coulters, mattocks, spears, swords, and all the instruments of war.

The name given by the Greeks to this metallic compound was *Calcus*, and by the Romans, *Aes*. Both these words are very improperly translated brass, which is a composition of copper and zinc, but as *calamine*, the ore of zinc, is never mentioned by the old authors, it is the united opinion of the learned that zinc, and consequently brass, was then unknown as there has never been any of this metal found among the relics of antiquity. Copper and tin, which we call bronze, when ground, will take a high degree of polish, and of this metal their looking-glasses or mirrors were formerly made. Tin is supposed to have been used by the Phœnicians, Egyptians, and Syrians, in very early periods, in their processes for dying cloth, for which they were anciently so famous. (a) Solutions of tin in various acids are applied as mordants for fixing of colours in cloth at the present day. This article is mentioned as constituting part of the prey taken by the children of Israel, from the Midianites in the time of Moses, (b) so that this product of Britain was extensively dealt in as an article of commerce, at least 1400 years B. C. Many of the vessels and ornaments used in the erection of the temple of Solomon are said to be of brass, by which is understood a mixture of copper and tin, which we call bronze. Now when we call to mind that the principal workmen employed in the erection of this building, were sent by Hiram from Tyre, and particularly the founders of brass, (c) and that at that time Tyre was the emporium of British commerce, it amounts to almost a certainty, that thet in employed in making the vast quantity of brazen

(a) Exel. xxvii, 16-20.

(b) Numbers, xxxi, 22.

(c) 2 Chron. ii, 14.



vessels and ornaments for the Jewish temple erected by Solomon, had been obtained from Britain.

It was undoubtedly through the commercial connections of the Phœnicians, that the metallic and other products of Britain were first distributed, and obtained an early notoriety among the civilized nations of the world. A regular market appears to have been found for them by these enterprising merchants, in some of the most distant parts of the earth; both Pliny and Arrian have recorded the export of British merchandize to India, where the former writer says, they were wont to be exchanged for precious stones and pearls, and it is probable, almost certain, that British commerce was at one time carried on, in part at least, through the medium of ancient Palmyra, or Tadmor of the desert, <sup>(a)</sup> as it has since been called.

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## BOOK IV.

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### CHAPTER I.

We come now to consider "the Spirit of Druidism," and here we trace an exact resemblance with all the religions of antiquity, which however were not in reality different religions, nor had they different forms; and did our limits admit, it were easy to trace up the different names by which the same religion in various countries came to be distinguished. There never was, there never could be, any religion invented by man; we speak it advisedly when we say that no man is capable of such an effort. Here we take our stand, and defy contradiction; religion must be a subject purely of revelation from God, and so in the first ages we find it spiritual, and conveyed to the mind through the medium of natural things, the sun, the moon, the stars, the air, composed of fire, light, and spirit, which are styled the host of heaven; and rocks, trees, and plants on earth, were necessarily employed as the instruments and medium by which

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(a) See Morris's *Indian Antiq.* vol. vi. p. 249, &c. A dissertation on the commerce carried on in very remote ages by the Phœnicians, &c. with the British islands, for their ancient staple of tin, and in their extensive barter of that commodity with those of the Indian continent; the whole confirmed by extracts from the *Institutes of Menu*. *Universal History*, vol. ii. p. 272.

alone a knowledge of spiritual things could by possibility be communicated to the understanding of men.

The first corruption that was introduced into religion was a stopping short, a not looking through the thing to that which was signified by it, and paying divine honours to springs and rivers, and trees, and rocks, and all the host of heaven, which the Apostle calls a worshipping the creature rather than the Creator. This may be called philosophical religion, against which the Apostle warns us. "Beware lest any man spoil you through philosophy and vain deceit." (a) To that succeeded the gross and carnal state, when because they did not like to retain God in their thoughts, God gave them up to a reprobate mind, to work all manner of uncleanness with greediness. (b) But yet in reality they are not so many different religions, but only a corruption of the one religion, and he who carefully and impartially investigates the heathen mythology, will discover in its doctrines and its rites, a mystery and a sublimity of theological sentiment, which can only be explained by a comparison of the same truths, but unsophisticated, as they are found in the bible.

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## CHAPTER II.

The objects revered will show that the spirit of Druidism was mystical; nothing was held more sacred by the Druids than the mistletoe of the oak whenever it was found growing upon that tree, and was an occasion of great rejoicing; accounting that it was sent by God to be the *curer of all ills*. The Germans to this day call the mistletoe of the oak, by the old name "Guthyl," or "Gutheyl," that is good heal, and ascribe extraordinary virtues to it, (c) which was equally revered and formed part of the creed of the Persians, Indians, Egyptians, and Chinese. In Britain it was gathered at a time of the year answering to our 10th of March, which Maximus Tyrius tells us was their New Year's Day. Having duly prepared their feasts and sacrifices under the tree, the Druids, drest in white surplices, formed a magnificent procession, attended by multitudes of the people, and leading with them two white bulls, whose horns were tied for the first time; then one of the Priests, dressed in a white

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(a) Coll. ii. 8. (b) Rom. i. 28. (c) See Universal Hist. vol. xix. p. 24. Compare Mallett's Northern Antiq. vol. ii. p. 147.

robe, ascended the tree, and with a golden pruning hook, cut off the mistletoe, which another Priest, standing on the ground, received in a white sagum or sheet, amidst the loudest huzzas of the people. The sacrifice of the victims followed, and festive rejoicings, in which prayers were mingled, that God would bless his own gift to those on whom he had bestowed it. Is it possible for a christian to read this account without thinking of him, who was the desire of all nations, of the man whose name was the BRANCH, who indeed had no father upon earth, but came down from heaven, who was given to *heal* all our *ills*, and after being cut off by the divine council, was wrapt in fine linen? Virgil, who was a diligent student of the poetry of old religions, speaks largely in the sixth book of the *Æneis* of the "Golden Branch," without which, he says, no one could return from the infernal regions—

" Quale solet silveis brumali frigore viscum  
 Fronde virere nava, quod non sua seminat arbos,  
 Et creceo fetu teretes ciarumdare truncos ;  
 Talis erat species auri-frondentis opaca  
 Tlice, sic leni crepitabat bractae vento."

*Æn.* vi. 209.

" As in the woods beneath mid winter's snow,  
 Shoots from the oak, the fresh-leaved mistletoe,  
 Girding the dark stem with its saffron glow ;  
 So sprung the bright gold from the dusky rind,  
 So the leaf rustled in the fanning wind."

The Druids rigid and austere manner of life won for them the reverence of the people, by whom they were held in the highest veneration, nor can we wonder that their word should be highly esteemed. The different stories of their pretended miracles and charms, are too many and ridiculous to be recorded ; one only we shall mention,—in Ireland, they had what was called the *fatal stone*, on this stone their Kings were crowned, which was fixed for this purpose in the most sacred grove, on the top of one of their high places. This fatal stone was sent from Ireland to Scotland, which, as a charm, was to confirm the Irish colony that had settled in the north of Great Britain, when it continued to be used as the "Coronation" seat of the Scottish kings for many centuries, till A. D. 1300. Edward I., King of England, having defeated the Scotch in battle, brought this stone from Scone, placing it under the English coronation chair at "Westminster Abbey," and there it is at the present day. Interested ecclesiastics have given a different version, and say

it is the stone that Jacob took for his pillow at Luz, (a) and set it up for a pillar, and poured oil on the top of it. The above we believe is the real history of this stone, the design of which, according to old tradition, was to ensure the crown to the ancient Scottish dynasty—

“ Except old saws do feign  
And wizard wits be blind  
The Scots in place must reign.  
Where they this stone shall find.” (b)

### CHAPTER III.

The absence of their studying philosophy has been the cause of that unmeasured abuse which has been poured upon the Druids, and that unreasonable abhorrence and detestation in which they have been held by many of their less erudite descendents. The Druids are accused of revering the oak in particular, but they did it philosophically, as the emblem of refuge, the ancient name of which is *Asel*, and signifies an asylum. The Jews have a tradition amongst them, that our first parents hid themselves in the middle of an oak. (c) Be this as it may, we find the oak was sacred among all nations. In Greece we meet with the famous oracle of Jupiter, at the oaks of Dodona (d); among the Greeks and Romans we have “*Sacra Jovi Quercus*,” the oak sacred to Jupiter, even to a proverb; and in Gaul the same. From this tree may be derived the name of the famous asylum opened by Romulus, between two groves of oaks, at Rome, (e). And Abraham, no doubt agreeably to the patriarchal religion, planted an oak in Beer-sheba, and called on the name of Jehovah, the everlasting God (f); and Abraham dwelt in the oaks of Mamre (g); and Jehovah appeared unto Abraham in the oaks of Mamre. The reverence paid to trees prevails among the most barbarous nations; hence Orpheus sings—

“ Boughs represent our mortal state below,  
Like them we perish, and like them we grow;  
Fate stands not still, nor lets things keep their ground  
But runs one constant circulating round.”

(a) Gen. xxviii. 11. (b) See Lowland's Scots. (c) Targum of Onkelos in the Chaldee paraphrase on Gen. iii. 8. (d) See Homer *Odyss.* xix. lin. 327. *Ib.* xix. lin. 296. Herod. lib. ii. cap. 52-58. (e) Dionys. Halicarn. lib. ii. cap. 15. (f) Gen. xxi. 33. (g) *Ib.* xiii. 18.

The oak was not the only tree revered by the ancients, but each deity had its own particular tree:—

In time of yore the deities  
Chose each their tutelary trees ;  
The spreading oak pleased mighty Jove,  
The myrtle green, the queen of love ;  
The laurel Phœbus, and the pine  
Conifrous Cyble was thine ;  
The poplar, tall and upright tree,  
Was sacred Hercules to thee."

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#### CHAPTER IV.

The Druids worshipped the air, as a part of the material creation, under the name of *Aub*, which was subsequently changed into Jove and Jupiter. A relique we have of the old name in Aubury or Avebury, a town in Wiltshire, in which there are some gigantic remains of an ancient Druidical temple, as well as in Averingham, in this county, though here every vestige of Druidism has been swept away, except the name. But the worship paid to the elements by the ancients was purely philosophical, as we see by Orpheus, who taught the same in verse—

" Jove is the spirit of all nature's fame,  
Blows in the wind, and blazes in the flame ;  
The deep beneath, the radiant sun above,  
The moon's reflected light, are parts of Jove."

The celebrated passage of Aratus, thought to be that to which the Apostle refers, when at Athens, teaches the same atheistical and philosophical doctrine—

" From Jove we spring, shall Jove be then unsung ;  
Jove who to sing enables every tongue !  
Where'er we mortals go, where'er we move,  
Our forums, cities, streets, are full of Jove :  
He flows the swelling ebb, the falling tide,  
With him in harbour safe the vessels ride.  
We seek him, breath him, taste him every where :  
And all in common his kind influence share."

That such was a part of the philosophical idolatry of the ancient Druidical and Oriental nations which descended to Pythagoras,

Plato, Aristotle, Seneca, Pliny and others, their works bear abundant witness, Ænnius is positive enough.

"Aspice hoc sublime candens, quemvocant omnes Jovem"

"Behold this great sublime, that glows above

"Which all conspire to name celestial Jove."

The large obelisks, or stone pillars set up by the Druids, called "Cromlechs" or bowling stones, of which there is one at Bramcote to this day, called "Hemlock Stone," which is evidently a corruption of Cromlech, were erected with a mystical and philosophical design; and though found among, was in no way peculiar to the Druids, as precisely the same kind of stones are found amongst the Greeks and Romans. Mercury was not anciently portrayed in the shape of a youth, with wings at his heels, and a caduceus in his hand; (a) but without hands or feet, being simply a square stone without any sculpture or hewing, and the reason the philosophers assigned for it was, that as the figure betokened solidity and stability, so he wanted neither hands nor feet to execute what he was commanded by Jove, The Thebans represented "Bacchus," simply by a pillar of stone. (b) The Arabians also represented their God by a huge square stone. (c) The Romans, also, had their "Per Jovem Lapidem." And it is certain that all these nations intended to represent their Gods by these stones; and so did the Jews and Patriarchs, amongst whom also, they are of frequent reference. Jacob erected one, and called it "God the God of Israel." (a) Homer introduces Hector proceeding to single combat with Achilles, and signifying the absence of peace, says

"There is no way from the oak, or from the rock  
To hold discourse with him." (c)

## CHAPTER V.

Notwithstanding the tolerance of the Druids, they generally practised celibacy, and led for the most part, a recluse and monastic life; far removed from the luxury and ease of the wealthy laymen,

(a) Phurnutus, see De. Nat. Deor. cap. 16. (b) Clem. Alex. Stromat. lib. 1. (c) See Maximus Tyrius. (d) Gen. 33, 20.]

generally living under the oak ; but when this could no longer shelter them from the storms of winter, they retired to small cloisters of stone, capable of holding only one person at a time ; here the contemplative Druid sat, and meditated, and prayed, and slept. Beside these artificial caves, they had others under ground of various sizes, constituting a sort of monastery, in which they congregated at appointed times, received their pupils for education, and deposited their stores, and being physicians and divines, distributed both food and medicine to the poor and sick, which may perhaps account for the great number of small niches all round one of the Druid's caves in the park, which to this day goes by the name of the "Doctor's shop." The Druids were not only charitable and tolerant, but like the Monks by whom they were immediately succeeded, were liberal in matters of religion, they were by no means that sanguinary people represented by the Romans. Where shall we find an instance in which the Druids persecuted the christians, when that religion was introduced, and their own was predominant ? Laogirius, a heathen king in Ireland, who as some assert, was never himself converted to christianity, yet granted through the whole of his kingdom free liberty of conscience to all his subjects, in preaching and professing christianity, and all the provincial kings did the same. The Irish have always been remarkably tolerant and forbearing, and it is very remarkable that though they have suffered various tortures and death for the name of Christ in other countries, this fact ought to be remembered, that the foundations of the christian church in Ireland, were not cemented with the blood of one martyr, which causes "Geraldus" to reproach the Irish christians. "All of them," says he "are only professors, but not one of the saints in Ireland has ever been honoured with a martyr's crown." At the time christianity was introduced into this country, the empire was filled with the Druids and their followers, thousands of whom no doubt embraced christianity, and themselves became confessors, and died martyrs in the cause. But to the time of the Danish Pagan persecution, a martyr in Ireland was a thing utterly unknown. (c)

Besides Druids, there was a separate fraternity or sisterhood amongst them, who were probably under a vow of chastity ; devoting a considerable portion of their time in instructing the ignorant, visiting the sick, and performing works of charity and mercy. Many of them distinguished themselves for their proficiency in learning and literary attainments, and ranked amongst the most celebrated authors of their day. We may form some opinion of the

high esteem in which they were held, from the fact that ladies of the highest rank were found amongst them. In the annals of the Irish nation there is an account of a certain king, Laogirius, who reigned in the time of St. Patrick, had two daughters educated by them; there are the particulars of a long dispute those young ladies maintained against the new religion, which is said to have been managed with great ability on their parts.

In concluding our remarks on this part of our subject, the following story may serve to convince an unprejudiced reader, that much as it has been the fashion to despise the Druids and abuse the memory of our ancestors, that they were not destitute of the highest principles of honour, any more than of liberality. When the Gauls made an incursion into Ionia, and sacked most of the cities, the Thesmophorian festival was celebrated at Miletus, which occasioned all the women to assemble in the temple, it not being far from the city: part of the barbarian army which was separated from the rest, made an irruption into the Milesian territory, and seized upon the women, whom the Milesians were obliged to ransom, giving in exchange a large sum of gold and silver. Yet the Gauls took some of them away, among whom was Erippe, the wife of Xanthus, a man of high rank and birth in Miletus, whose wife at the time of her captivity left behind her a boy, only two years old. Now Xanthus passionately loving his wife, turned part of his substance into money, and having amassed a thousand pieces of gold, sailed into Italy, and guided by some of the Gauls he had entertained in Greece, arrived at Marseilles. He then went to the house where his wife was, which belonged to a man of great authority, and entreated to be lodged there, which, according to that nation's usual hospitality, was agreed to; the family cheerfully receiving him into their house, and he saw his wife, who came running to him with open arms, and very lovingly led him to his apartment. Cavara, the Gaul, who had been abroad, returning soon after, Erippe acquainted him with the arrival of her husband, and that it was for her sake he came, bringing with him the price of her redemption. The Gaul extolled the generosity of Xanthus, and straightway inviting several of his own friends and nearest relations, hospitably treated him, making a feast on purpose, and placing his wife by his side, then asking him by an interpreter, what his whole estate was worth; and Xanthus answering a thousand pieces of gold, the Gaul ordered him to divide that sum into four parts, whereof he should take back three, one for himself, one for his wife, and one for his little son, but that he should leave him the fourth for his wife's ransom. When they went to bed, his wife heavily chid Xanthus, as not having so great a sum of gold to pay Cavara with; and that he was in



danger if he could not fulfil his promise. Xanthus told his wife that he had yet a thousand pieces more, hid in the shoes of his servants, for that he did not expect to find any barbarian so equitable, believing that her ransom would have cost him much more. Next day the wife informed the Gaul what a great sum of gold her husband had, and bade Cavara kill him for it; assuring him that she loved him better than her country, or her child, and that she mortally hated Xanthus. Cavara took no delight in this declaration, and from that moment resolved in his own mind to punish her. Now when Xanthus was in haste to depart, the Gaul very kindly permitted it, going with them part of the way, and leading Erippe. When Cavara had accompanied them as far as the mountains of Gaul, he said that before they parted he was minded to offer a sacrifice, and having adorned the victim, he desired Erippe to lay hold of it, which she doing as at other times, he brandished his sword at her, ran her through, and cut off her head; but prayed Xanthus not to be at all concerned, discovering her treachery to him, and permitting him to take away all his gold. (a)

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## CHAPTER VI.

The ancient form of government and civil polity of the Druids that always obtained in this country was monarchical, whatever kind of religion prevailed. The island appears to have been divided into many petty kingdoms, each one having its separate legislature; though one of these kings generally exercised a sovereignty over the inferior kings, who were regarded as his vassals. It does not appear that an absolute or despotic form of government ever was established in this country, the king generally depending upon his nobles and ecclesiastics, who constituted his council, and without whose advice and consent the king had not power himself to make peace or war. There were in this land about a hundred superial kings, who governed it successively during the time of the Druids; these were of British blood, and had under them many princes, who in their different localities of residence had the name of kings, who served and obeyed, and belonged to the superial king, as the king of Alban, or Pryden, or Scotland; the king of Kymbery, or Wales; the king of Gweydd or Venedotia. Notwithstanding these petty kings and governments, the same law substantially prevailed throughout the whole of them, as in the superial king's proper dominion.

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(a) Toland, p. 159

In the time of Cassibelanus, there arose some controversy between the superial king, Kaswallawne, and Ararwy, king of London, one of the inferior kings, about a murder that had been committed. The case is thus :—the superial king keeping his court within the dominion of one of the inferior kings, and a controversy arising between the sovereign and this vassal at that time, one of them was slain ; the question was whether the murderer ought to be tried by the officers and privilege of the superior, or the inferior king. Ararwy, king of London, contending that the murderer ought to be tried by the law and custom of the inferior king's court, for this reason, that the superior king's court which did but exist for a week or two at a time, had better lose its privilege there for that time, than that the inferior king's court should lose it for ever. *Vide in libro meo de legebus.* It appears that this was the very cause why Ararwy would not consent to have his kinsman tried by the judges, and laws, and privileges of Kaswallawne, whose court remained in the dominion of Ararwy so short a time, but would have the felon tried by his judges and in his court.

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## CHAPTER VII.

The highest degree of Druidical nobility, was "Brenin," or "Deyen," that is a king ; and next to him was a Twysog ; or a Duke ; next to him was a Jarll, an Earl ; next to him was an Arglwydd, or a Lord ; and next to him a Barwn, a Baronet ; next to him was the Brier, or Vchelwr, which may be called Squire ; next to this was the Gwreange, or Yeoman ; and next to that Althid, a tradesman, and then Kaeth, which was a slave, either born in that condition or reduced to it, as prisoners of war ; and of course those constituted the most numerous and lowest class of the nine several degrees, into which, in the time of the Druids, the people were divided. These nine degrees had three several tenures under which they held their lands, as Maerdar, Vichelordir and Priodordir. There were also other names and degrees obtained by birth, office, and dignity, but they are comprehended under the before-mentioned nine. The Druids had one remarkable custom, called "Rhaith," of pardoning criminals, under certain circumstances, which while it shows that principles of mildness and philanthropy were cultivated by the people in those early times, also exhibits the fact that the law derived its force and authority from the consent of the people. Suppose a man to have committed some felonious act of the gravest

character, for which he was apprehended and brought to trial before the properly constituted legal authorities. The perpetration of the crime being so notorious, no possible doubt could be entertained of his guilt, but in consequence of provocation, or the criminal's previous good character, circumstances of mitigation were attached to his case. Now suppose that one or two hundred men, or more, differing in number according to the greater or less criminality of the offence, were to come forward when the criminal is at the bar, and bind themselves in the "Rhaith," that is in an oath, that each and all of them would excuse the crime which was considered to have been perpetrated against them, as members of society, the criminal was instantly pardoned. One at least of this number of men who were to excuse the transgression, must be a chief man of the place; who in this case was called "Penrhaith," and was supposed to be the best man, as well as the wisest and most discreet amongst the men of "Rhaith," or forgiveness. We cannot conclude our remarks here without one observation. How happy must have been the influence of this custom of Rhaith upon every member of society, tending to soften the feelings of men, and humanize the most savage and barbarous characters, showing their mutual hopes from, and dependence on the mercy of each other, and yet guarded in the exercise of that mercy by the most salutary checks against the possibility of abuse. Happy as well as peaceful must be the state of that society, around which are cast the bands of a holy brotherhood, drawing them by the sweetest influence into one focus of the most exalted emulation—who shall be most benevolent, and who shall be most kind. A thousand blessings on the day that shall restore to Britain the judgment of Rhaith.

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## CHAPTER VIII.

The judges in the times of the Druids were of several kinds, every king had a chief judge resident in his court, and in all trials, sat upon the bench, ready to decide all controversies that might arise, by a just interpretation of the law. The name by which this judge was distinguished, was that of "Egnat-Llys," whom we now call the "Judge of the Queen's Bench." He had certain privileges awarded him by the officers of the king's household, and therefore determined their causes gratis. There were other judges resident in different parts of the country, called "Egnat-Comot," who presided in the local courts of law. This singular custom was observed when

any controversy arose as to the title and possession of lands ; then the king in person came upon the land, or appointed a deputy for him, and the business was conducted after this manner,—there came with the king his chief judge, and he called unto him the Egnat Comot, or county judge, together with some of his council, who dwelt in the Komot, where the lands lay, that were the subject of controversy, and the freeholders also of the same place, beside whom there was a Prelate, or a Priest, two Counsellors and two Rhingill, or Sergeants, and two Champions, one for the plaintiff, another for the defendant ; and when all these were assembled, the king or his deputy, viewed the land, and when they had preambulated its boundaries, caused a mount to be cast up, on the top of which they placed a stone. This seat of judgment, as it was called, the king ascended, having his back towards the sun, or the weather, and the trial proceeded in due form, by counsellors chosen for the purpose ; they had two sort of witnesses, the one was called “Gwy-byddyeid,” and the other called “Amhiniogev ;” the Gwy-byddyeid, were such men as were born where the lands were situate that were the subject of dispute, and whose testimony was supported by their own knowledge and perfect recollection of the circumstances connected with the land about which he witnessed, that it was, or was not the defendants right ; and the Amhiniogev were such free men and landowners as had estates bordering on those that were the subject of controversy. The oath of one of these was considered better than the oath of two of those first mentioned. Sometimes the disputants had recourse to ordeal, or combat, pending the trial, but the decision of the king and his court was final, from which there was no appeal.

Several of these mounts are said to remain to this day, some of which are round and others square, and were known formerly by the name of “Gorseddevy-dadle,” or the “Mount of pleading.” Neither was it lawful to convene an assembly, for the settling of the title to landed estates, but in the manner before described, and the place where the trial must be, and the judgment awarded, on the land about which the contention arose.

## CHAPTER IX.

The divison of lands was pretty much the same as it is at the present day, and the standards they had for measuring it, very nearly the same. *Tri hudy gronin haidd*, or thrice the length of one barley corn, maketh a Modvedd or an inch ; three modvedd or inches maketh a palf, or palm of the hand ; three palf or palms maketh a troedvedd or foot ; three feet or troedvedd maketh a kam, a pace, or stride; three kams or strides make a naid or leap ; three naid or leaps make a grwmg, that is, the breadth of a butt of land, or tir ; and mil of those tir, make a milter, that is a thousand tir, or one mile. Thus we see that their measure for length was the same as is used to this day.

The following constituted their standard for superficial measuring. Three hud gronin-haidd, or barley corn lengths, the modvedd or inch ; three modvedd or inch to the palf or hand breadth ; three palf to the troedvedd or foot ; four troedvedd or foot to the veriaiv or short yoke ; eight troedvedd or foot to the neidiav, and twelve feet in the gestiliav, and sixteen feet in the hiriav a rod or pole, which is the breadth of an acre of land ; and thirty poles is the length of an erw, or acre ; and four erw or acre make a tyddyn or messuage, and four tyddyn or messuage make a rhandir, and four of those rhandiread make a gafel or tenement or houlte, and four gafel make a tref or township, and four tref or townships make a menol, or manor, or manor, and twelve menol or manors, and twi tref, or two townships maketh a kwmwd or gomot, and two gomot a kantref or cantred, that is a hundred towns or townships ; by this reckoning every messuage contained four acres, and every gafel or tenement sixty-four acres ; every town or township two hundred and fifty-six acres of fertile arable land, reckoning neither meadow, pasture, nor woodlands, there being nothing measured but rich plough land ; all the rest were termed waste. Every manor contained four of these townships of two hundred and fifty-six acres each, which is equal to one thousand and twenty-four acres of arable land, beside woods, meadows and pastures ; and every hundred of these townships of two hundred and fifty-six acres each, which is equal to twenty-five thousand six hundred acres of good arable land, constituted cantred, or hundreds, as they are called to this day. All the dominions of the nobles were divided by cantre, or hundreds, and to every of these hundreds, gomots or fifty townships, manors, towns, gafels, were given some proper names, by which they were distinguished. A

Gwlad, or country, was the dominion of one lord or prince, whether the Gwlad were one cantred, or two, or more ; so that saying a person was gone from one Gwlad to another, was intended he was gone from one prince's dominion to another, thus the principality of North Wales, which used to be reckoned to contain ten cantreds of 25,600 acres each, making the principality, as a whole, equal to 256,000 acres of arable land, besides as we said, commons, forests, pastures, and meadows. Tegings is a country that contained but one cantred, or 25,600 acres, and Dyfrvnglwyd was a country, which did but contain one cantred ; and when any criminal who had violated the law, fled from Tegings to Dyfrvnglwyd, he passed from the dominion of one prince to another, where the law could not be executed upon him ; so that every prince or lord's dominion was called a Gwlad, or separate country.

There is no mention made of "Talaith," or prince's coronets, or crowns, before the destruction of the British power in this country ; but that there were a "crown imperial," and three "talaith," or coronets, hardly admits of a doubt ; one for the Alban, another for Wales, and a third for Kerniw, or Kornwale, or Cornwall. There were many other petty princes who were honoured with the stile and dignity of kings, such for example as the king of Dyved, in South Wales, and yet these kings never wore a coronet, much less a crown,

After the Normans had won some parts of the country, as one lord's dominion, they constituted in that place a "Senescal," or steward, which was called in the British tongue "Swyddog," that is an officer ; and the lordship of which he was the steward, was called "Swydd," or office ; and of these Swyddog were made "Shires," many centuries before the conquest, or the Saxon dominancy. Gwyddthen is an office, whether great or small, and Swyddog is an officer likewise, of all states, as a Sheriff is a Swyddog ; his office, and the shire over which he presides, are both denominated Swydd, so that a sheriff as Swydd, Amwthig, is the shire, and also the office of the steward.

## CHAPTER X.

The Druids being so famous for their literary habits and attainments, therefore it is no wonder that, for the purpose of exciting a spirit of emulation amongst their students, they should have amongst themselves the means of rewarding the most industrious and successful, with the bestowment of certain honours. The first or lowest literary distinction, was "Disgibliysbas," and that was conferred after a study of three years in the arts of poetry and music, if by proficiency he had deserved it. The second degree was "Disgiblisgybliaidd," and that was given to the profession of learning, after six years' studying, if his proficiency deserved it. The third degree that was given, according to Mr. Toland, was "Disgiblpengerddiaidd," after nine years' successful application in study; and the fourth degree was called "Penkerdd," or Athro, and Athro is the highest degree of learning amongst us, and in Latin called "Doctor;" all these degrees were given to men of learning, as well poets as musicians, &c. The conferring of literary degrees took place every three years, after an open disputation by the students with each other, on given subjects, which were conducted in the presence of the king or his deputy, who afterward conferred upon them literary degrees, as has been before stated.

It appears that the poets were very highly esteemed amongst the Druids, especially those who were called Prududd, who were appointed to attend upon princes and nobles. There were three kinds of Beirdd, (the plural of Bard) namely Privardd, Poswardd, and Arwyddvardd. The former of these, because he taught philosophy, signified a learned man. Merlin Ambrosius is called by the name of "Barrd Gortheyr;" that is Vortiger's philosopher, or learned man, or prophet Bardtlyn, was a doctor of the musicians of the harp, and had his abode in the king's palace. There was also an "Ensign-Bard" or Heralt at Arms, and his duty was to declare the genealogies of the warriors, and to blazon the arms of nobles and princes, and to keep the record of them, and to alter their arms according to their dignity or deserts. These were with the kings and princes in all battles and actions. (a)

Notwithstanding they had amongst them philosophers, theologians, mathematicians, poets, &c. yet we read no where that they had any lawyers, which is an argument in favour of the civilization and peacefulness of society in the time of the Druids.

## CHAPTER XI.

The means by which religion was supported in the time of the Druids were by voluntary tythes and offerings, and in this respect we trace a similarity with all the nations of antiquity. This view of the subject enables us also to understand those large and costly offerings which, without any compulsion, were voluntarily offered to the priests, called tythes. Nothing but absolute ignorance can induce any man to suppose that these offerings originated with Moses, and were confined, as a nation, to the children of Israel. Abraham offered tythes when Melchizedec met him, which was before the days of Moses about five hundred years. (a) The wild Arabs had a law, compelling every merchant to offer the tenth of his frankincense, which was the chief product and commodity of that country, to the god Sabis. (b) The Carthaginians sent the tythe of their spoils, taken in the Sicilian war, to Hercules of Tyre. (c) The Ethiopians paid tythes to their god Assabinus. (d) The Grecian army, which was conducted by Xnophon, in their memorable retreat after the death of Cyrus, reserved a tenth of their money to be dedicated to Apollo, at Delphi, and Diana, at Ephesus. (e) When the Greeks had driven the Persians out of their country, they consecrated a golden tripod, made of a tenth of their spoils, to the Delphian Apollo. The inhabitants of the "Isle of Siphnus" presented the tenth of the gold and silver obtained from their mines, to the same god every year. (f) The Athenians, and their confederates, dedicated a golden buckler out of the tenths of the spoil taken at Tanagra, to Jupiter, (g) they also dedicated a chariot and horses of gold, made out of another tenth, to Pallas. (h) When Cyrus had conquered Lydia, Cræsus advised him to prevent his soldiers from plundering the goods of the Lydians, because, of necessity, they must be tythed to Jupiter. (i) The Crotonians vowed to give a tenth of their spoils which they should take in the war with the Locrians, to the Delphian Apollo. (j) Sylva, the Roman general, dedicated the tenth of all his estate to Hercules. (k) The same was done

(a) Gen. c xiv. v 20. (b) Plin. Nat. lib. xii. c 14. (c) Justin lib. xviii. c 7. (d) Plin xii. c 19. (e) Diod. Sicul. lib. xi. (f) Pausan. Phoc. (g) Ib. Ellac. (h) Herod lib. v. c 77. (i) Herod lib. 5. c 77. (j) Ib. lib. I. (k) Justin lib. 20 c ult.



by Crassus. (a) Plutarch says this was a constant custom in Rome. (b) Hercules himself is said to have dedicated to the gods the tenth of the spoils which he took from Geryon. (c) When Camillus sacked Veii, a city of Hetruria, the soldiers seized the spoils and appropriated them to their own use, without reserving the accustomed tenths for the gods, which the augurs discovered afterward by their observations on the sacrifices, and affirmed the gods were exceedingly indignant, whereupon the Senate of Rome required all the soldiers to account, upon oath, for all the spoils they had taken, and pay a tenth, or the full value, all of which, together with a golden cup of *eight talents*, (d) was conveyed to Apollo's Temple at Delphi, by three men of the first quality in Rome. (e) Festus informs us that the ancients offered to their gods the tythe of all things without exception; (f) and in every nation or country, this identity of sentiment and practice is every where visible. The antiquity, and universality of tythes among all nations, however remote, and widely scattered from each other, is an answer, more than sufficient, that they were originally of divine appointment, and perhaps, co-eval with the days of Adam.

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## CHAPTER XII.

The following narratives we introduce in order to illustrate the actual condition of the people constituting the various classes of society in those very early times. The first refers to the rich and learned, showing their wisdom, politeness, temperance and habiliments, when engaged in official business, as seen in the person of the Druid Abaris, who was sent by the British nation, ambassador to the court at Athens, the capital city of ancient Greece, according to the relation given of him by Himerius, the Greek sophist and grammarian of Prusias in Bithyha, in the reign of Constantine. Abaris, the sage, was by nation a Hyperborean, meaning an inhabitant of the North West, but a Grecian in speech, and resembling a Scythian in his habit and appearance. Whenever he moved his tongue, you would imagine him to be some one out of

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(a) Ib. Crasso. (b) Roman Quest. (c) Dionys. Halicarn, lib. I. (d) Taking a talent of gold at £5464 5s 8d which would amount to £43714 5s 4d sterling. (e) See Plutarch Camillo. (f) Potter's Discourse of Church Government, London, 1707, p 430.

the midst of the academy, or the Lyceum.<sup>(a)</sup> He came to Athens, continues Himerius, holding a bow in his left hand, having a quiver of arrows hanging from his shoulders, his body wrapt in a Scottish plad, girt about his loins with a gilded belt, and wearing trousers reaching from the soles of his feet to his waist. So far as regards his abilities properly to discharge the duties of his office, Abaris seems to have been singularly well qualified, for, adds the grammarian, he was affable and pleasant in conversation; in dispatching great affairs, secret and industrious; quicksighted in present exigencies, in preventing future dangers, circumspect; a searcher after wisdom; desirous of friendship, trusting indeed little to fortune, and having every thing trusted to him for his prudence. Neither the academy, nor the Lyceum, could have supplied a man of superior, if equal qualifications, with this Druidical ambassador; he is said to have been exceedingly moderate in his eating and drinking, the candour and simplicity of his manners, united with his wisdom, learning, eloquence, and prudence, must have constituted him a splendid character, and valuable member of society.

The following remarkable custom, relating to *marriage*, prevailed among the Druids, which, notwithstanding the different practice of the present day, must have been very beneficial in promoting the comfort of families, by administering an efficient remedy against the ills resulting from unsuitable or imprudent marriages, during the time of the Druids. When a man had a mind to take a wife, as soon as he gained the consent of the maid, on whom his affection had been fixed, he took her to himself for a whole year, and if, upon becoming thoroughly acquainted with each others tempers, habits and dispositions, they choose to live together any longer, then they were man and wife, and nothing afterward could seporate them but death.

But if either disliked the other, on any account, to such a degree as to be persuaded they could not live in peace, at the end of twelve months, a mutual seperation took place, each taking back the respective shares of their united property, if they had any; and if there was any child, its birth was legitimatized, and the father was compelled to maintain and educate it at his own charge. Nor was this repudiation any dishonour or disadvantage to the young woman, in the eyes of another man, who thought she would

(a) Ex Oratione ad Urnicium apud Photium in Biblioth. cod. 243, edit. Rothomag page, 1135.

make him a better wife, and he to her a better husband, than the former one. (a)

A singular law or custom prevails in the Hebrides, or Western Islands on the coast of Scotland: besides the ordinary rent a tenant paid, if any of his cows or sheep brought two young ones at a time, which was frequently the case, one of them was claimed by the landlord, who, on his part, if any of the tenants' wives bore twins, was obliged to take one of them into his own family, with which it became for ever after domesticated. Dr. Martin relates that he knew a gentleman who had sixteen of these twins at the same time; (b) which custom is supposed to have been derived from the Druids, as was also the following, which obtained in Barra, and some of the circumjacent Islands: the landlord supplied milch-cows to his tenants, who might have lost any of their own, by accident or through the severity of the weather, beast for beast, without any charge to the tenant; and it was usual for the lord of the island to have a large house close by his own for the reception of men and their wives, who, through age or infirmity, were incapable of labour, feeding them from his own table, and supplying their every necessity, free from all charge, as long as they lived. (c) It does not admit of a doubt that the Druids had abused their power, and awfully corrupted a religion, that was common to all nations, and, in its origin, pure, heavenly, and divine. But it would be injustice to deny that there were among them in all ages of its dominancy, men who were possessed of learning of the most extensive and exalted character, who, according to the testimony of Strabo and Marcellinus, combined the study of physiology and moral science, were persons possessed of a loftier genius than other philosophers, and addressed themselves to the most occult and profound inquiries, and rising in their contemplations above this human scene, declared the spirit of man immortal. Despite the awful corruptions, and philosophical atheism, in which the original impure spirit of what we call the Druidical religion became involved, candour demands from us the admission that the Druids were in possession of learning as extensive, and more useful, than some of their christian posterity, who were almost wholly employed in scholastic divinity, metaphysical, or chronological disputes, legends, miracles, and martyrologies, especially from the eighth century till the Reformation. If it is demanded of us why the Druids and their literature are so little known, we answer not the Druids, but the mistaken bigotry of their

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(a) See Dr. Martin's Description of the Hebrides, p 114. (b) *Ib.* p 109. (c) *Ib.* p 97.

christian posterity ought to bear the blame, by whom their writings were destroyed. In St. Patrick's time, Dr. Kennedy informs us (a) no fewer than *three hundred* volumes were *burnt*, stuffed with the fables and superstitions of heathen idolatry; unfit, adds the Doctor, to be transmitted to posterity. And no doubt the same was practised in Britain while ever a volume of their works could be found. But could they have been more polluted than the classics of the Romans and Greeks? Had Moses, and the succeeding Jewish prophets, acted with a similar barbarity, a most important part of the history of ancient nations recorded in the bible, would have been lost. By the destruction effected in the Druidical literature, not only has there been made a wide chasm in the historical details of this country, which would now have been read with exceeding interest; but many of the scientific and mechanical discoveries of those remote ages, which since that period might have been of inestimable value, are irrecoverably lost.

In taking our leave of the Druids, we may be allowed, perhaps, this one reflection. How extensive is the power of man, for effecting that which is evil, but impotent and powerless for that which is good. No doubt the motives by which the pious christian fathers were influenced in the destruction of British Druidical literature, because of the abominations with which we may suppose it was connected, were most humane and honourable, but their well-meant, and we must add, mis-directed zeal, has utterly failed in accomplishing their pious design, for a knowledge of all their abominations has been handed down to posterity, but almost all that was excellent has been irretrievably lost. Of the few things that have come down to us, written by the Druids, none are more valuable, or deserving of higher celebrity, than their laws, which were delivered in short sentences, and commonly in verse, and no less reputed infallible than the Lacedemonian Rethræ, and were expressly termed by them Bretha Nimhe, or Celestial Judgments. In the Isle of Man many of these laws of the Druids are observed to this day. Being unwritten, are called Breast Laws, which are executed without expense or delay. Whenever themselves were not a party, the Egyptians, Persians, Romans, or Grecian legislators, in equity, could not surpass the Druids.

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(a) See Dissertation about the family of the Stewarts. Pref. p. 20.

## CHAPTER XIII.

From existing monuments, from contemporary history, traditional geographical position of the town, and from the religion, laws, and manners of the people, who in very early periods inhabited it, in claiming for Nottingham the honour of having been an ancient British city, without any unwarrantable presumption, we might consider our case as fully established, therefore very few words in discussing this sixth and last proposition may suffice. Carlton and Carrington are old Celtic names, given to them by the ancient Britons in very remote periods, in the time of the Druids, and point them out as having been high places, on which they erected their Carns. The same remarks apply to Arnold. Colwick, and Bullcote, which come from "Bol," one of the Hebrew names of Baal, very clearly point out the height of Colwick wood, &c. as having been consecrated in ancient time as high places of Baal. Then there is Bulwell, or Baalls-well, or the Well of Baal, which was undoubtedly a spring held in the highest veneration, from some pretended miraculous powers its water possessed, and according to the custom of those remote times, it, like the Trent, was adored as a god, and worshipped as a Baal. The vulgar tradition concerning it, as a gentleman, H. D. has informed us, is, that a wild bull, galloping along, smote his head with tremendous violence against the rock and died on the spot, which caused the waters miraculously to gush out. From which it would appear that the Priests anciently taught the people a story concerning its origin, in its main features, similar to the narrative of the rock in Rephidim, which, when Israel were in the wilderness, Moses smote with his rod, and water flowed out, a miracle which it would appear was well known to the Druids. Basford was probably called "Baals Ford," or "The ford of Baal." Woollaton, by a slight change in its orthography, becomes "Baals Town," and whoever contemplates its woody height, and compares it with the adjacent hills, cannot hesitate in drawing the conclusion, that it also was one of the high places of Baal. And whether we consider Bramcote to be derived from Abarim, or Bamah, a high place, the venerable and ancient Cromlech, which after the lapse of more than two thousand years, still stands bearing its silent but mournful testimony to the once practised rites and superstitions of a heathenish idolatry, that for

centuries has been numbered with the past. The fact that from the earliest records there was a place dedicated to divine worship within the precincts of the castle, seems to favour the idea that the Druids offered their sacrifices there, and Malin Hill, by the slightest change in its orthography, becomes Baalim Hill, pointing out the sacred enclosure to which it leads, and with which it anciently was conjoined, where now that most venerable, and time-hallowed pile, the church of St. Mary, lifts its reverend head, was the spot on which idolatry erected its cathedral, and on the very ground that has almost from the beginning of the christian era, through all succeeding generations, been consecrated to the worship of the one true and living God—that has been the scene of episcopal splendour and magnificence, had, in the days of heathenism, been the rendezvous of every idolatry. Molech, Chemosh, and Ash-taroath, a place of Baal-Berith, Baal-Zebub, Baal-Zephon, Baal-Gad, a troop of Baals. For they built them high places, and had images and groves on every high hill, and under every green tree (a). These are crimes not more justly chargeable upon Israel, than upon the ancient idolatrous inhabitants of Nottingham. In old language *Ashre*, plural *Ut* and *Im*, signifies grove, groves, also a grotesque, and lascivious, fabulous creature, represented in heathen mythology as half a man and half a goat, called *Pan*, or *Cham*, and always seen laughing, because of the son of Noah, from whom it was derived, who laughed and made sport when he saw his father's nakedness. This was an object of idolatrous worship in Canaan.(b) We may easily guess what impurities were indulged in his service. The setting up this image, and celebrating its libidinous feasts in the courts of the house of God, are mentioned as the *ne plus ultra* of the wickedness of the Jews, and the immediate cause of their being carried into captivity. This idol was also worshipped in Britain, and from the word *Ashre*, a grove or wood, do we derive the name of *Sherwood*, as being both natural and appropriate, and containing the ancient name of this ancient British city. We are the more confirmed in this opinion, because, notwithstanding in the time of the Saxons, from which period Nottingham lives a subject of historical memory, though the orthography is somewhat altered and Saxonized, yet even in their day the name as we have seen on the authority of Dr. Thoroton was descriptive of a grove or wood, a place sheltered by trees, and such in those days was

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(a) 1 Kings xiv. 23. (b) Leviticus xvii. 7.

every British city. The same thing precisely was signified by the Saxon name, which we ascribe to the Celtic or British, which Celtic name still lives unaltered in the receding grove called Sherwood; and according to the changes that have taken place in the name of the town, from Celtic to Saxon, and from Saxon to English, "a place sheltered by trees," that is a grove or a wood, is the same thing, unchanged to the present day, constituting the true etymology of Nottingham. Now when we consider the very remote ages in which the Celtic language was employed, that gave names to many places around, and the yet more ancient Hebrew names with which our own language and locality still abounds, turn which ever way we may there is a crowd of witnesses in support of our position, existing monuments, contemporary history, tradition, religion, laws, and customs, geographical position, topographical nomenclature, &c. such is the force of authority, and the clearness of evidence which warrant the assumption and confirm the claim of Nottingham as having been a city inhabited by the Celtic Britons,<sup>(b)</sup> and consequently of a very remote antiquity, even prejudice itself must admit.

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(b) Three Celtic spear heads were dug up in the neighbourhood of Nottingham, when the workmen were forming the Grantham canal. Two of them were for many years in the possession of Mr. Tatham, who has since gone to reside in America, and it is supposed has deposited these ancient reliques in the Museum at Liverpool. A third is now in the possession of Mr. Carr, engraver, Hounds' Gate. It is made of copper and tin, and notwithstanding it must have lain for 2000 years buried in the earth, it is uncorroded, its extreme edges very sharp: a beautiful specimen of ancient workmanship.

## BOOK V.

## CHAPTER I.

Julius Cæsar never having penetrated further than Verulam, (St. Albans) into the north east, therefore, Nottingham and this part of the island could have been little affected by the Roman authority in his days, but continued to be inhabited by the *Coritania*, (or woodland-men), who stood next in power, rank, and strength, to their neighbours, the Brigantes, who occupied all the counties in the northern circuit of England, and were the most numerous and powerful of all the British tribes that possessed the island before the invasion of the Romans, A. D. 43. About 98 years from the landing of Cæsar in Britain, after the Romans had vacated the stations they had founded in this country, for several years the Emperor Claudius sent over an army under the command of Plautius, who was shortly succeeded by Suetonius Paulinus, a man of fierce and determined spirit, who after having subdued the British forces, under Boadicea, their queen, pushed forward his conquests over a great part of the country; and conceiving the power of the Druids over the natives was inimical to the establishment of the Roman authority amongst them, published a decree, abolishing their rites and ceremonies, and many thousands of the Druids were put to the sword; and afterwards Nottingham and the county were brought under the control of the Romans, by whom they were comprised in the consular province of *Maxima Cæsariensis*.

The great *Camp* on Holly-hill, near Arnold, is supposed to have been the central depôt of the Roman forces in this district, as from its greater elevation, all the exploratory camps are easily distinguished, and its vicinity to Nottingham gives great weight to the opinion of Dr. Gale, that the Roman station, *Causennis*, occupied



the site of Nottingham; and, notwithstanding Mr. Baxter and others may have contested this opinion, it exactly agrees in distances with the rout laid down by Antoninus in his itinerary, written in the second century. The rout from Godmanchester to Littleborough, set down by the Roman Emperor, who appears very anxious to settle both the names of places, and also their distances from each other with precision, but the changing of their names afterward by the Saxons, Danes and Normans, has, confessedly, surrounded the statement of Antoninus with uncertainty.

The rout commenced at Duroliponte, now Godmanchester, in Hunts, to Agelocum, Littleborough, distant from each other 105 miles. Antoninus' description of the rout, with the Roman names attached, and the distances from place to place, with Dr. Gale's interpretation,—

EMPEROR ANTONINUS.	DR. GALE.
From Duroliponte to Durobrivis, 35 miles	From Godmanchester to Brigcasterton, 35 miles
From Durobrivis to Causennis, 30	From Brigcasterton to Nottingham, 30
From Causennis to Lindom, ... 26	From Nottingham to Lincoln, ... 26
From Lindom to Agelocum, ... 14	From Lincoln to Littleborough, 14

In the above there is an exact coincidence between the Emperor and the Dean, as to distances, and we receive it accordingly, as in our judgment correct, notwithstanding what Mr. Baxter and a few others have advanced on the contrary, we give the Doctor's own words. (a) Nearly every record relating to Nottingham during the period at present under review, has perished in the long lapse of time intervening to the present day; therefore, our

(a) *Causenna itaq; lego, per illas autem intelligo Nottingham. De illa Cambdenus: "A præruptis Saxis in australi parte fluvium Linum de spectatet Casturm sublime in rupe surget. Nec dubito quin operole illæ cryptæ, concamerationes, cavernæ subterraneæ vivo Saxo excisæ, romanam loquantur magnificentiam, uti ut illæ aliæ quæ Devæ et Iscæ Silurum celebrantur eodem Authores habuerint, adde his supputationem distantie, a Causennis ad Durobrivas (Nottingham et Bridgecasterton) pulchre cum numeris Antonini concordare, uti etiam cum illis quos inter Causennas at Lindum locat. Causennis aliter Gausennis rectius Gosennis vel Govennis. Coven et Govenne et Covenne sunt rupes conglomeratæ. In Comitatu Eboracensi rupes prope Otte'y dicuntur the Cheven. In illo Cantii, oppidum Savennoc, (i. e.) Chevennoc ito dicitur a vicinis collibus. Gevennus est tum mons tum fluvius in agro Monmouthensi unde Gobanium Antonino. Saxonibus fuit oppidum hoc Snottingham Speluncarum l'omus. Britanni. in antiquis Kaf vel Kaou Caverna. Si itaq; minus arrideat conjectura nostra quæ Gauveunnas a Coven deduxit, originem istius dictionis a Kaf vel Kaou petas licet quod non minus nostram confirmabit Sententiam du sita hujus Stationis. Iter Britanniarum Commentariis illustratum. 1709, p, 96, 96.—GALE.*

knowledge of the arts of life practised in those days by its inhabitants is extremely limited and imperfect. Diodorus Siculus tells us the Britons had granaries or subterraneous chambers in which they housed their corn in the ear, beating out no more at one time than they required for the day ; which, so far at least as the caves are concerned, is a description that applies to Nottingham, which was noted for their number and extensiveness. The Romans were celebrated agriculturists, and introduced many improvements in this very useful art. The manner in which bread was made in those early times was very simple and expeditious,—a woman sitting down took a handful of corn, holding it by the stalks in her left hand, and then set fire to the ears, which were presently in a flame, she had a stick in her right hand which she managed very dexterously, beating out the corn the very moment the husk was burnt, if she missed she must go to the kiln, but experience had taught the women this art so well that they seldom failed. The corn so dressed might be winnowed, ground, and baked, within the hour. This mode of making bread was employed in the isles of Scotland till within a very recent period ; it is called *graddon*, from the Irish word *grad*, which signifies quick. (a)

Very great changes were no doubt introduced by the Romans in the condition of the people dwelling in this part of the country, and, with few exceptions, they were improvements ; the almost total silence of all historians, concerning Britain, for a period of between two and three hundred years, may lead us to conclude that then the sword was sheathed, rusting in its peaceful scabbard, and the exercise of the Roman authority in Britain. which found it pagan, and left it christian, was an inestimable blessing to those who were the subjects of the imperial sway. Among other people, individuals have from time to time arisen who have exhibited vast genius in devising schemes of government, or have shown great capacity for administration ; but the Romans were certainly, as a nation, the greatest practical statesmen the world has ever seen yet. The Romans alone had institutions which were able to ensure a succession of men who had been philosophically and systematically taught to rule with that wisdom, liberality, moderation, and prudence, so that the yoke of their authority was unfelt, and to what they commanded, the people were disposed to render a cheerful obedience.

The celebrated lines of their great poet were not mere poetical rhapsody—no vain and empty boast:—

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(a) See Martin's description of the Western isles of Scotland, p. 204.

"Excudent alii spirantia mollius æra,  
 Credo equidem: vivos ducent de marmore vultus;  
 Orabunt causas melius; cœique meauts  
 Describent radio, et surgentia sidera dicent  
 Tu regere imperio populos, Romane, memento ;  
 Hætibi erunt artes; pacisque imponere morem,  
 Parcere subjectis, et debellare superbos."

ÆNEID, VI. 848.

"Let others better mould the running mass  
 Of metals, and inform the breathing brass;  
 And soften into flesh a marble face:  
 Plead better at the bar; describe the skies,  
 And when the stars descend, and when they rise.  
 But, Rome, 'tis thine alone, with awful sway,  
 To rule mankind, and make the world obey;  
 Disposing peace and war thy own majestic way:  
 To tame the proud, the fettered slave to free ;  
 These are imperial arts, and worthy thee."

DRYDEN'S TRANSLATION.

"—————From lofty hills  
 With murmuring pace the fountain trills  
 Their goats uncalled return from fruitful vales  
 And bring stretch'd dugs to fill the pails.  
 No bear grins round the fold, no lambs he shakes;  
 No field swells there with pois'nous snakes,  
 More we shall wonder on the happy plain :  
 The watery east descends in rain,  
 Yet so as to refresh, not drown the fields;  
 The temperate glebe full harvest yields  
 No heat annoys ; the ruler of the gods  
 From plagues secures these blest abodes."(a)

Secured alike from outward aggression and inward commotion, in common with the rest of the inhabitants of Britain, under the peaceful rule of the Roman authority, Nottingham enjoyed all the blessings of a calm tranquility, estranged from every apprehensive fear, every one sat under his own vine and fig-tree, none daring to make him afraid. Britain had long been an object of envy and covetous desire to the piratical hordes of the Saxon marauders, whose name is said to have been derived from *Seax*,

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(a) Horace. Translation by Creech. *Montibus altis.*

a short sword, with which these warlike natives of the shores of the Baltic, the Elbe, the Weser, and the Rhine are supposed to have been generally armed, though it is quite as probable however that the Saxons are the Sakai-Suna, or descendants of the Sakai or Sacæ, a tribe of Scythians, who are mentioned by ancient writers, as making their way towards Europe from the east, so early as in the age of Cyrus.

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## CHAPTER II.

The Romans bid a final adieu to Britain A. D. 448, having been masters of the more considerable part of it 503 years. Gratian and Constantine, who both assumed the purple, carried to the continent the flower of all the British youth, to fight in the wars of these Roman generals, most of whom perished, which left the country impoverished and weak, and was followed by internal dissention, quarrel, and civil war, at the same time the Picts and Scots continually ravaged the northern and midland parts of the country with fire and sword. The Britons, unable to defend themselves, sent ambassadors with a supplicating letter to Rome, which was inscribed "The Groans of the Britons." To which the tenor of the epistle was suitable. "The barbarians on the one hand chase us into the sea; the sea on the other throws us back on the barbarians, and we have only the hard choice left us of perishing by the sword or by the waves."<sup>(a)</sup> The Britons were thus reduced to despair, deserted their habitations, and neglected tillage. Vortigern, prince of Dumnonium, sent to Germany to invite over a party of the Saxons to assist them in driving back the enemy, and in restoring tranquility to the country, who gladly availed themselves of this invitation; and accordingly, Hengist and Horsa, two brothers, and mighty chiefs among the warlike Saxons, who were now the terror of all the surrounding countries, embarked one thousand six hundred troops in three vessels, and cast anchor on the island of Thanet, where they landed their soldiers A. D. 450, two years after the departure of the Romans.<sup>(b)</sup>

The avowed object of the Saxons was that of being allies of the Britons to assist them in repressing the Scots and Picts, but no

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(a) Gildas Bede, lib. I, cap. 13. Malmesbury, lib. I. cap. I. (b) Saxon Chron. p. 12.

sooner had they established themselves here than they formed an alliance with these depredators, and made war upon the Britons, but so bravely did they resist the Saxon traitors by force of arms, that many ages, and even centuries elapsed after the Roman evacuation, ere the former could make themselves masters of any considerable part of this country. If savageness and barbarity could have intimidated the natives, and have caused them to yield in terror, the conquest would have been quickly effected, for the Saxons were fierce, and wherever they spread their arms, sanguinary to an extreme, as observes Mr. Milner in his History of Winchester. The Saxon wars were not so much wars of conquest as of *extermination*. Unacquainted on the one hand with the arts and conveniences of civil life, wherever they conquered, they burnt or otherwise destroyed the temples, or churches, the baths, the porticos, and every other kind of magnificent buildings, whether public or private, together with the beautiful tessellated pavements, statues, pictures, and elegant furniture, which the Romans had introduced among the Britons; on the other hand they were equally insensible to the feelings of generous compassion towards the victims of their cruel oppression. It was the custom of these savages to put to death not only the Britons who were in arms against them, but also the women and children who fell into their hands. The impartial Gildas,<sup>(a)</sup> not more severe with respect to the one party than the other, draws a frightful picture of a besieged city—the walls and gates beaten down with battering rams, streets blocked up with the ruins of fallen buildings, or rendered impassable by numberless fires, enkindled to destroy the edifices, and mangled carcasses strewed along the high ways, and remaining unburied, left to be devoured by birds and beasts of prey, the christians sacred altars besmeared with blood, and covered with the torn fragments of human bodies, amongst the glittering weapons of the exulting victors. Such were some of the horrors which everywhere attended the arms of our unenlightened pagan Saxon ancestors. Few indeed of the Britons were spared in life, but those who were, of whatever rank, both they and their children forfeited all claim to every kind of inheritance, and became the perpetual slaves of their imperious conquerors, and even this was considered a very great favour to the subdued Britons.<sup>(b)</sup>

The Myrena-ric, latinized Mercia, which in Anglo-Saxon signifies the *woodland kingdom*, and agrees very closely with *Coitani*,

(a) See Gildas's Hist. c. xxiv.

(b) See Bede's Hist. Eccl. lib. 1, c. xv.

the latinized name of the old British inhabitants of these parts, signifying the *woodland-men*, or foresters, (a) were a branch of the Anglos who penetrating into the heart of the island, founded a powerful kingdom—Mercia, that extended over all the midland counties from the Severn to the Humber, and pressed on the borders of Wales, including, as a matter of course, the town and county of Nottingham, or as it was then denominated, Snodengham. In this district the Britons were not destroyed, or expelled their homes by the invaders, but lived mixed up in about equal numbers with the Saxons; so strong was this kingdom at one period, that it extended its boundaries south and east to the Thames, including London in its dominion. The Mercians contributed more than any other kingdom of the heptarchy to the entire subjugation of the Britons, though they paid a trifling tribute to the Britwolda, of Wessex, or Northumbria; yet, from the comparative mildness of her laws, the kingdom of Mercia was always powerful, and was one of the last to loose its identity, and merge in the English empire, and was itself more than once the sovereign kingdom; Ethelbald of Mercia, being “Rex Anglorum,” or Bretwelda, viz. king of the English, (b) A. D. 670, and again under Offa the Terrible, as he was called, A. D. 757.

After the Saxons became converted to the christian faith, those of superior condition became exceedingly enamoured of pilgrimages to Rome, and A. D. 853, Ethelwulf, king of Wessex, father of Alfred the Great, being a devout man, as all was tranquil at home, set sail for the continent, taking with him his son Alfred, who was then a young boy, and crossing the Alps and the Apennines, arrived at Rome, where he was honourably received, and sojourned there nearly a year. On his return, though he was then an old man, and his queen, Osburgha, was still living, he became enamoured of Judith, the young and beautiful daughter of Charles the Bald king of the Franks, whom he married, placed by his side, and had crowned queen, though she was not then more than twelve years old. The former queen Osburgha was put away, and her sons Ethelbald, Ethelbert, and Ethered, who were all grown, showed a natural resentment at the indignity put upon their mother. After Ethelwulf's death, however, Ethelbald, his eldest son, took his father's young widow to his incestuous bed; and after the death of Ethelbald, which happened soon after, she removed to France, her native country; living some time in a convent at Senlis, a few

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(a) Macpherson's Annals of Commerce, i, 237. (b) A title of honour equal to Sovereign, assumed by the most powerful of the Saxon kings during the Heptarchy; it was not hereditary.

miles north of Paris. From this convent she either eloped with, or was forcibly carried off, by Baldwin, the grand forester of Ardennes. Her father being still alive, caused his bishops to excommunicate Baldwin, for having ravished a widow; but the Pope took a milder view of the case, and by his mediation, the marriage of the still youthful Judith with her third husband, was solemnized in a regular manner, and the earldom of Flanders was bestowed on Baldwin. Judith then lived in great state and magnificence, and her son, the second earl of Flanders, espoused Elfrida, the youngest daughter of our Alfred the Great, from whom through five lineal descents, came Maud or Matilda, the wife of William the Conqueror, from whom our beloved queen, Victoria, has descended, and all the kings and queens of England to the present hour.

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### CHAPTER III.

The Danes who had long coveted the sovereignty of Britain now made frequent descents with some of their best disciplined troops on our shores, and here it is that we meet with a great historical event concerning Nottingham.

A. D. 867, The Danes, or Northmen as they were then called, and other tribes of Scandinavian pirates, who hitherto in their descents on our coasts, had resembled privateering companies in time of war, this year entered the Humber, with a numerous fleet of ships, some of which were large, and would contain many troops of warriors. For some considerable time after landing they avoided coming to any general engagement, merely making forays, and not conquests and settlements. Their success, however, coupled with the weakness and divisions of the English, gradually enlarged their views, and they gave loose to their ruling passion for war and plunder. The Danes having laid waste a large extent of country, on the eastern coast, determined to winter in their newly dopted country, and many dreadful and fiercely contested battles were fought, with various success, but advantage was gained by the Danes over the English on the whole.

Having secured their newly acquired possessions on the eastern shores, and established themselves in Eboricum, (York) the year following they set sail up the Humber, entered the Trent with a strong force, cast anchor at Gainsborough and took it, and en-

trenched in a camp which they made, exceedingly strong, and called the place after their own name, *Danesborough*. Here the British forces gave them battle, and dreadful carnage ensued: an old tradition is still commonly reported in Gainsborough, that the place was taken and re-taken by the conflicting armies three times in one day, and was thence after called *Gainsborough*, which is its present name. Any one who has seen the site of the Danish camp in the neighbourhood of that town, would suppose it must have been capable of protecting a numerous army, and from the succession of deep trenches with which it is surrounded, at one time must have been almost impregnable. From Gainsborough the victorious and elated Danish army sailed up the Trent to Nottingham; with what, or whether they met with any, resistance in taking possession of the town and fortress on which the castle stands we know not; this much is certain, that though Buthred, king, or earl of Mercia, had timely notice of the intended invasion by the Danes of these parts of his dominion, and had entreated and obtained the assistance of Ethelred, king of the West Saxons, who came at the head of a numerous army, and joined the forces of Buthred, yet the allied sovereigns could not give the Danes meeting, or interpose any check to the progress of the plunderers till they had actually taken, and intrenched themselves in the town of Nottingham. It is not unlikely its inhabitants would resist to the last the cruel invaders, to whom they well knew, if they submitted, they would be slain, but whatever might have been their bravery, were overpowered by numbers, being themselves unsuccoured by auxiliaries, and left to fight their antagonists alone.

Though a thousand years have stretched their tedious length between them and us, who now tread the same soil, and breath the same air, as our ancestors, who here sleep in undistinguished graves, yet generous sympathy stretches out a yet longer line, mingling her tears with the sacred ashes of our venerated progenitors, who fell, resisting the powers of an armed banditti, or a crowned tyrant, for their liberty, their homes, their wives, and their little ones; they bravely fought, or nobly fell, defending what every upright man holds dearer than his life. Yes, from our far happier days of blessed quietude and security, we look back on the painful travail of our fathers with an eye of pity, undimmed by the darkness of ten thousand nights, and cherish the memory of their bitter griefs with a warm affection, unchilled by the storms of a thousand winters, or thrice ten thousand snows. Mourning their peril, and chiding the absent Buthred, as they gazed with a blackened



astonishment and horror at the overwhelming forces of the proud north-men, would exclaim

“ Why stay ye the fast going chariots? and why  
Is the far floating banner uplifted on high?  
Quick, quick! let the corslet your bosom embrace,  
And harness the courser, and hasten the chase,  
The north-man has spoke, in the storm of his pride,  
And roll'd on our footsteps his numberless tide;  
The falchions are bright in the hands of the foe,  
Their quivers are rattling, and bent is each bow,  
As the clouds of the tempest which gloomily frown,  
That wide spreading band in the evening comes down.”

With good steel arms the Danes were well provided; their weapons seem to have been the same as those used by the Saxons when they invaded the island, but the Scandinavian mace and battle axe of the Normans were still more conspicuous, particularly a double bladed axe. To shoot well with the bow was an indispensable qualification of a Danish warrior, but these weapons were unused by the English who fell dead by thousands from the arrows of their enemies, without being able to come near them to strike a blow. The Danes brought no horses with them, but as cavalry was necessary to scour the country, and an important component of an armed force, they siezed and mounted all the horses they could catch, promising *neutrality*, or an exemption from plunder to those people or districts, that would give up their horses. Though they vowed they would not injure the *horse lenders*, as they called them, yet would despoil them of every thing the next hour; no promises were regarded, no treaty was kept sacred by the Danes; the old writers continually call them *truce breakers*, and they well merited the reproach.

The two Saxon monarchs, Buthred, king of Mercia, and Ethelred, king of Wessex, met the Danes, who were securely intrenched in Nottingham, the soil of which so lately had been drenched, and was still impurpled with the blood of its late owners and inhabitants.

Having possessed themselves of this very strong and important town, situated in one of the most fertile parts of the country, in which there was great plenty of corn and cattle; ravaged all the places adjacent; gathering together much spoil and abundant stores of food: the season being now far advanced, shut themselves up in this strong hold, determined to await the issue of the threatened siege of the allied Saxon kings, and if possible spend their

second winter in this town, judging it wiser to remain here, and secure their newly acquired possessions than return, or at this time of the year attempt to push their conquests further.

By this time the two Saxon kings, Buthred and Ethelred, with their united army had arrived here, and for some time the town was besieged by their hosts, but the lateness of the season, the desolate state of all the surrounding country, and the natural strength of the place, which had also been considerably augmented by artificial means, left the besiegers without any hope of success. The pagans having munimented themselves in the strong tower, on the site of the late castle, and the christians having no means of making a breach in the walls (a) were compelled to enter into some kind of treaty with the invaders on the best terms they could. Camden, who lived in the days of queen Elizabeth, remarks, the Danes at this time relied on the great strength of the tower, which was erected on an exceedingly steep rock. (b)

The Danes though a very fierce people, were not in general so cruel in the mode of their warfare, as at the time of which we are speaking, when they destroyed the inhabitants of Nottingham, and some other places in the kingdom of Mercia, where the carnage was dreadful even in those barbarous times. Rapin, who in speaking of this first descent of the Danes into the kingdom of Mercia, assigned this as one reason of their cruel dealings: Brurern Broeard, a Northumbrian earl, whose countess Osbert, the king. had dishonoured, which so exasperated the earl, that he, being a man of great influence in the country, raised an insurrection in that kingdom, and ultimately Osbert was deposed, and caused the Bernicians to choose Ella in his stead. Still was the earl's vengeance unappeased, and he sought to have Osbert robbed of his throne of *Diera*, and for this purpose went to Denmark, immediately applying to Ivar, the Danish king, whose father Regnerus, having some time before been taken a prisoner of war by the English, and after been thrown into a deep ditch, where there were many serpents, was left there miserably to perish, according to the reports that had reached the ears of Ivar, his son, who then reigned in Denmark, in his father's room. Burning with an ill suppressed rage against them on this account, Ivar was glad, in his work of vengeance on the English, to have so powerful an ally as the earl, who represented in how distracted a state the kingdom of Northumberland was, and adding, if he would improve the present juncture, he might easily make himself master of

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(a) See Stow's Sum. p 66. (b) Camden Brit. p 482.

that kingdom. Ivar made no delay, but collecting a large fleet of ships, transported to England many of his choicest troops, and accompanying them himself, entered the Humber in the spring of 867, and advanced that year as far as Nottingham, (a)

Whether it were 867 or 868 is not material, indeed it would argue but a very slight acquaintance with those ancient histories, in which there is so much extravagance, and so many legends mixed up with the facts and circumstances of those times, and the dates so often altogether omitted by the early historians, to pretend to very exact precision as to time; such being the case, it would be very surprising, if at this distance, the date could be fixed so accurately as to come, in all cases, to a month or a year.

Another cause of the severity of Ivar, was resentment on account of differences of religion. The Saxons were of the same Scandinavian stock from which the Normans and Danes had descended, and as the Saxons had become christians, and had renounced their former idolatry since their settlement in this country, hence the Danes were mightily offended with their apostatized brethren, and persecuted the English christians with the rigorous severity of a Nero or Domitian, and their watchword became, "Crush the English dogs, who have abandoned the old religion." So true is it, that a brother offended, is harder to be won than a strong city, and their wrath is like the strong bars of a castle (b)

Five years did Ivar remain in this country pushing his conquests over a large extent of territory, overturning their altars, breaking down their churches, and slaughtering the christians wherever they were found, and re-establishing idolatry wherever he went, in all its atrocity and disgusting forms; and one of his principal places of rendezvous was Nottingham. When Ivar returned to Denmark, he left Hubba, his brother, in chief command of the army, with strict orders to prosecute the war; Derby and Leicester fell into his hands, and Buthred, in conjunction with the king of Wessex, exerted himself to the utmost against the Danes, and though he defeated them in one or two battles, yet saw his forces continually weakened in consequence of the terror spread through all the country by the slaughtering Danes. He endeavoured to make peace with them by ceding his territory, and giving them money; but promises they never kept, trampling under foot every obligation. With grief Buthred saw the waxing strength of the Danes in his kingdom; unable to resist them, and after having fruitlessly endeavoured by large presents, to induce

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(a) Rapin History of England, vol. 1. p 70. also Haveden.

(b) Prov. xviii. v 19.

the haughty pagans to cease their depredation on his subjects, being quite impoverished, in his grief and despair of ever driving back the enemy, gave up all pretensions to sovereignty, and retired to Rome, there ending his days in the English college, A. D. 874, after a very mild and benignant reign of 22 years.

Meantime the Danes went on extending their victories, so that in 942 they were in possession of Lincoln, Stamford, Derby, and Leicester, as well as Nottingham, five places of considerable strength, in the very heart of the kingdom; and, notwithstanding Edmund, son and heir of Edward, gave the Danes battle, routed, and dislodged them from Nottingham, Derby, &c., as well as other places of less note; afterwards they returned in greater force than ever, and re-took Nottingham and other towns, and in so short a space of time as seventy-five years from their expulsion, under Canute the Great, A. D. 1017, were the undisputed masters of the whole kingdom.

An ancient sport that used to be observed in this town, and also in the country, generally called *Hock-tide sports*, took its rise from an act of cruelty perpetrated on the Danes by the English, in retaliation for the barbarities the former had perpetrated upon them. On St. Brice's day, Nov. 12, 1013, the English, who had Danish soldiers quartered upon them, suffered many hardships, in consequence, resolved on murdering every guest in their houses through all the country wherever they were found. They, however, did not take away their life, but contented themselves with *Hockshinning*, or houghing them, by cutting their ham-strings, and thereby rendering the whole army afterward incapable of doing them further injury, by serving in the war. The instruments employed by them were scythes and reaping hooks, and from the insults they were constantly suffering from them, was effected alone by the women. The hock-tide merriments, as they were afterwards called, were instituted in commemoration of this victory over the Danes; the way in which they were celebrated in early times was attended with gross indecencies, but in later years was observed after this manner: companies of them met at certain houses, and one part of their amusements consisted in the women tying down some one man in his chair, from which he could not be released without paying a fine, this was an annual source of merriment to the young people through many centuries. The authors of this cruel deed had little cause to rejoice in what they had done, for Swayne, the Danish sovereign, awfully avenged their perfidiousness before the end of the year, marching a fresh army into these places, which he had sent from Denmark for this purpose, massacred the English by thousands

without regard to sex or age, and from those that were spared he exacted the most rigorous obedience; he compelled the English to bow whenever he met a lord Dane, (as even the poorest among them were called); in whatever house he entered, as long as he continued there, he was the *master*; the wife, daughters, and every thing in the house, or belonging to it, was at his service. Whenever an Englishman passed a Dane, he must uncover his head and turning, bow, if the Englishman was a noble, and the Dane only a common soldier, and if he met him near a bridge, must not dare to set foot on it, but wait, uncovered, till the haughty Dane had passed over; (a) but under Canute the Great, a much milder system was pursued towards the English, than was afterward by even William the Conqueror.

A. D. 870, a desperate battle was fought here by Alfred the Great, in which the Danes were defeated and expelled the town, though it appears they quickly returned and again took possession of it. After the death of Alfred, which occurred in the month of October, 901, and the succession to the kingdom of Wessex, by Edward, called the Elder, many of the Saxons who lived in that country, mixed up with the Danes, preferred war to submitting to the restraints imposed upon them by such a government as Alfred had established; internal commotion sprung up, which resulted in infinite mischief, and prepared the way for the greatest horrors. Edward, however, was not deficient in military skill or valour, and in 911, gained a signal victory over the Danes, who had advanced to the Severn; but the whole spirit of Alfred seemed more particularly to survive in his daughter Ethelfleda, sister of Edward, and wife of Ethered the eolderman of Mercia, who, dying in 912, left the whole care of that kingdom to his widow. Her brother Edward took possession of London and Oxford, but she claimed and then defended the rest of Mercia, with the bravery and ability of an experienced warrior. Following her father's example, she fortified all her towns, constructed ramparts, and intrenched camps in proper places, allowing the Danes no rest, she drove them out of Derby, Leicester. &c. and compelling many of their tribes to acknowledge her authority. In her assault of Derby four of her bravest generals fell, but she boldly urged the combat, until the place was taken by her forces. As some of the Welsh had become troublesome in Mercia, she conducted an expedition against them with remarkable spirit and rapidity, besieged Brecknock, and took the wife of the Welsh king prisoner.

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(a) Hen Knighton, De Event. Aug. lib. I. c. 6 Chron Abbot Journal.

The lady Ethelfleda died in 920, when Edward succeeded to her authority in Mercia, and prosecuted her plan of securing the country with fortified works. He was active and successful; took most of the Danish towns between the Thames and the Humber; succeeded in dislodging them from their strong hold, Nottingham, forced the rest of the Danelagh, that lay north of the Humber, to acknowledge his supremacy. The Welsh, the Scots, the inhabitants of Strathclyde, Cumbria, and the men of Galloway, are said to have done him homage, and to have accepted him as their father, lord, and protector. All the rest of Edward's reign was a scene of continued successful action against the Northumbrians, the east Angles, and took the cities of Derby, Leicester, Stamford, Lincoln, and Nottingham, or as they were called Fif, or the Five-burghers, and the foreign Danes. He fortified the towns of Chester, Eddesbury, Warwick, Cherbury, Buckingham, Towcaster, Maldon, Huntingdon, Colchester, and Nottingham.

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#### CHAPTER IV.

There was, as we have seen, a strong tower and fortress on the site of the old castle in Nottingham, which was probably erected by the Saxons, before the Danish invasion; and it, if not the whole town, was at that time surrounded by a strong wall, which was battered, when in the Danish occupation, by Alfred the Great, who besieged and took it from them. His son Edward the Elder, after the death of his sister Ethelfleda, in 920, united the kingdom of Mercia with his own, after which he enclosed the whole city of Nottingham with a strong wall, which was well flanked with towers and buttresses, and had several gates; the following was the line in which this stupendous work was executed.

From the castle in an oblique direction to the north-east, down Butt-Dyke, now Park row, to Chapel bar, so called from its having a *proseucha*, oratory, or prayer house, which, according to the devout spirit of the pious christians of those early times, was always open for the performance of religious duties by those who might enter in, or pass through the gate. From Chapel bar, north-east through Roper's close and the next close to it, traces of the wall have been discovered by workmen when digging out the foundations of the Shakspeare Inn, and other erections now standing in the supposed

line of the wall crossing Boot lane (Milton street.) There was another gate called Cow gate, probably from the fact that this was the gate through which the fat cattle passed into the town that were brought from the adjacent country to be sold. We are informed by Mr. Crosby, the present Post-master of this town, who has for many years paid considerable attention to its antiquities, that Cow gate stood near the Milton's Head, in the line of the town wall, erected by Henry II. which was of a much smaller circumference than the one erected previously by Edward the Elder. The same gentleman informs us, that a part of the foundation of Henry the Second's wall is still discoverable in some of the cellars of those houses standing in the middle of Parliament row, the east side of Clumber street, which are occupied by Mr. Smith, druggist, Mr. Copley, grocer, Mr. Whittingham, book-binder, &c. but Edward's wall passing along Burton Lees, the site on which the new church is to be erected, crossed Boot lane (Milton street) two or three hundred yards higher up about the Shakspeare Inn, near which place was the site of "Dr. Greaves summer house," and from thence through a field called Panier's close, so called from its having been the property of a gentleman of that name, which extended from Milton street to old Glasshouse street, and from Charlotte street to Parliament row, the whole of which has long been covered with buildings, York street used to be the great northern thoroughfare of the town, where there was a gate called North-gate; Boot lane, or Milton street, being in those days too narrow to admit carriages to pass, which corroborates the opinion of Mr. Crosby, that there could not have been a gate in this place in Edward's wall, though there might have been a Postern for the convenience of the inhabitants. Boot lane must have been made wider in the early part of the fourteenth century, and from the erection of the North gate here, when the second wall was built, it is not unlikely that it has been the northern thoroughfare from the time of Henry II.

But to return, Dr. Thoroton must have been in error, when he informs us that Edward's wall came along "Backside," or Parliament street, after having passed through Panier's close to North gate, or old Glasshouse street; it must then have passed along the east side of Glasshouse street, forming a curve so as to leave out side the House of Correction, then down to the end of what is now Broad street, then east and south along Coal pit lane near St John's street, through Cherry orchard, now Cur lane, &c. &c. once the property of John Sherwin, Esq. then on the outside of two closes, now Platt street, &c. &c. down to near the Beck, then towards Newark road, or old Glasshouse lane

thence crossing the north end of Carter gate, extending along the north side of Fisher gate to Hollow stone, where a portion of the wall was lately visible. Here there was a port-cullis, or draw-bridge over the foss or ditch, connecting Fisher gate with the opposite rock. Turning the elbow of Hollow stone, there was a cavity cut into the rock, capable of holding about twenty men, in which there was a fire-place; there were also benches to sit down on, and an ascending stair-case cut out of the same rock leading to the top, on which the sentinels stood. But we have no evidence that either the guard-room or draw-bridge were of an equal antiquity with the old wall, which ran along the top of the rock, at the back of the present vicarage, and then on the north side of Narrow Marsh. When a portion of the rock fell, in 1829, a part of the ancient wall was left bare, which very interesting relique of antiquity may be seen behind the house occupied by Mr. John Hurstfield, the sign of the Loggerheads, Narrow Marsh, a part of whose back premises are now paved with some of the stones which fell down with the rock, and so shattered the old house, as to render it necessary to be taken down and re-built.

Still pursuing a westerly direction to the top of Garner's hill, opposite to the Blue Coat School, then southward down the west side of Garner's hill, where a part of the old wall is distinctly visible above the ground, near to a small shop occupied by Mr. John Smith, lace agent. At the bottom of Garner's hill it formed an acute angle, then running up Mont lane, (now Middle hill) in a curve to the Week-day Cross, enclosing the Town Hall, and then at the back of the houses on Middle Pavement to Drury hill, opposite to the end of Bridlesmith gate, where was a postern or small gate (now of iron). Formerly there was a gate-house here, where a guard was kept, but is now used as a public house, known by the sign of the "Postern Gate," which is on the eastern side of the narrow passage of which we are speaking. Under the tap room is standing a portion of the old town wall, 8 ft. 6 in. high, 4 ft. 6 in. thick, and 18 ft. long; in this part of the old wall is a gateway, the height of which, in the centre of the arch, is 7 ft. 8 in. and 5 ft. 2 in. wide; this has been considered as the entrance to a guard-house, or perhaps a sally-port, which were usually an under ground passage, leading from the inner to the outer works, designed for the conveyance of soldiers and artillery. On the western side of Drury hill stands a handsome house, lately the property of F. Gawthorn, Esq. now occupied by Mr. Butlin, surgeon, and Mr. A. Wells, attorney, and by Mr. Thomson, surgeon, on the site where stood the once famous Vout Hall, so named from



the very large vaults under it, where in the time of the staple of Calais great quantities of wool used to be lodged, and was anciently the property of the Plumtree family; the particulars of which will be given in the proper place.

To the pious christian this house will be for ever hallowed in his most sacred remembrance, as being the place where the scattered persecuted pious flock, that once worshipped in the church of St. Mary, used to meet their holy pastor, and there, in one of these caves, met to adore the God of their fathers, and to escape the watchful eyes of their savage persecutors, often assembled to pray for their enemies, and the afflicted church, in the dead of the night, during the unquiet reign of Charles II.

From Vout Hall down Low Pavement to Lister gate there was another gate in the wall opposite to Church gate, from thence it continued along the back of the houses on the north side of Castle gate and St. Nicholas' Church yard, keeping a westerly direction till it joined the Castle wall at Brewhouse yard, and in its circumference exceeding two miles.

From the commencement of the tenth, to the thirteenth century, Nottingham, as we shall see, was the scene of sieges and war, being several times ravaged by the sword, and reduced to ashes by fire. Its walls were dismantled, the gates broken down, and its unfortunate citizens put to death; more than once, has it been rendered desolate without inhabitant; such was the rapid succession, and the fatal nature of the disasters with which it was visited, that the wall, built by the Saxon Edward the Elder, in 921, (a) was either totally rased, or rendered useless in the twelfth century, and another wall was erected by the Norman king, Henry II. after the former had been demolished by Robert, duke of Gloucester, in his war with king Stephen, and the empress Maud.

Brief as was the period that Edward held authority over Nottingham, the works he caused to be erected, tended more to the benefit of the town, and security of its inhabitants, than those of any other king who had reigned before him. In 924, Edward the Elder, of revered memory, having completed the wall and fortifications of the town, for the greater security of its inhabitants, proceeded to erect a bridge over the Trent. The piers were

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(a) Dr. Deering says, Edward built the wall in 910, but that could not possibly have been the case, for then Ethered was living, and after him Ethelfleda his widow reigned till 920, the time of her death, she then leaving the kingdom of Mercia to her brother Edward, who united it with Wessex under one crown, could not possibly have commenced building the wall till ten or eleven years after the time the Doctor has fixed

composed of stone, and the platform, &c. was of wood, which was a work of the greatest utility, in as much as it united the northern and southern parts of the kingdom; this, or one in this place, was probably the first bridge erected over this celebrated river, (a) and afterwards contributed, in no small degree, to the wealth and importance of the town, which was a great thoroughfare between the two grand divisions of the island, for the marching of armies, with their materials, from the one to the other, and for the conveyance of merchandize to and from the north; which may well account for Nottingham having been in ancient times so frequently the scene of hostility and war.

The name of this bridge is variously spelt in old writings, as Heath-beth bridge, Heath-bethe brigg, Heth-bet bridge, Hebeth bridge, Heithethe bridge, and in some writings in the possession of the Corporation is called Heck-beck bridge; which a learned gentleman, Mr. Plumtree, conceived the derivation of its name to be a compound Saxon word, Heath, High; Bæth, Bath, so in our language it would signify High-bath bridge, a name which he supposes it might receive from its having adjacent bathing places—on the north for males, and on the south for females.

Simple as it may appear to the cursory reader, whoever inquires minutely into the origin of the Trent bridge, will soon find himself encompassed with no slight difficulty attending its history, and every account we have of it in our local authorities from Thoroton downward, are involved in obscurity and contradiction; we will lay the case before our readers in the clearest light we can, and in as few words as possible.

There is no doubt Edward the Elder erected a bridge over the Trent, as has been described, but then, there are two Trent bridges standing at the present day; did Edward build the one or the other, or both, or neither? if not, when was the Saxon bridge of Edward destroyed, and the present bridge built, and was there no bridge erected over the river in this place, before the time of Edward?

In the report presented by the present town clerk to the Corporation Commissioners at Nottingham, 27th October, 1833, it is stated, p 7, "that the Bridge estates were in the possession of the Corporation by a few very ancient grants, but whether any of

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(a) The presumption is based on this fact, that any carriages or cattle passing over the bridge at Kelham, or Newark, had to pay tolls to the Burgesses of Nottingham, except the Nottingham Burgesses, who, when they passed over, were toll free, which clearly points out the priority of our bridge.

them were given by the grantors, as the chamber estates were, he could not tell; they were given for the sustentation of the old Heck beck bridge, which now forms a part of the flood road near the present bridge, it is not visible as a bridge, but the arches yet remain, and the road passes over them. The course of the river has been diverted, as we suppose, from its ancient channel towards the south; then, according to this, it would seem to imply that the bridge over the "old Trent" as it is called, in front of Mr. Armitage's house, is only a part of the old bridge erected by Edward, when the river pursued a channel considerably north of its present course; which no one who has ever examined the superficial appearance of the ground on the north bank towards Wilford, or the gravelly substance of which it is composed, will hardly doubt for a moment.

But while we are felicitating ourselves in having removed at least one difficulty in the way of presenting a clear description, and are setting down the old bridge over the old channel of the Trent, and the present as the new bridge over the new Trent, the 6th, 7th, 8th, 10th, 11th, 16th and 17th arches, from the north of the present, or as we were about relatively to denominate it, the new bridge, are of the same style, composed of the same kind of material, and from every appearance they present, must have been erected at the same time, and are unquestionably of as remote an antiquity as that which we call the old bridge itself.

How then is this difficulty to be removed? Mr. Blackner, &c. have assumed, that that which is now called the "old Trent," never was *perminently* the Trent, but only a *temporary channel*, cut for the purpose of turning the river into from its present, and as they think, ancient channel, while the present bridge was building, leaving that part of the river dry. But would they have cut an artificial channel so serpentine as that which we call the "old Trent?" And would they have built a temporary bridge of stone, of an equal solidity, and equally expensive with that which they intended should be the *perminent* bridge itself?—this cannot be admitted.

Having carefully examined these venerable and useful structures, and consulted the oldest and most intelligent residents, (a) and other gentlemen in the town of considerable antiquarian research, so far at least, we are warranted in offering our own

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(a) Amongst others we feel particularly indebted to the kindness of Mr. Cooper, Mr. Chapman, Mr. Barnsdall and Mr. Hopkins who has been surveyor of the Trent Navigation upwards of 47 years, for the information they have cheerfully supplied on this intricate subject.

opinion, which is founded upon their suggestions,—that the two bridges, as they are called, were anciently united, and constituted in fact only *one bridge*, spanning the river, which was probably much wider then than it is now; and some of the ancient arches at the south end, might have been erected as dry arches, which would have been useful in a time of flood. Some of the old inhabitants now living, can well remember several acres of that which is now excellent pasture land, (beyond where the Trent Water Work Company have their establishment,) lying “high and dry,” was a marshy bog. Now when we consider the many ages the process of depositing gravel on this side of the bank has been going on, it ceases to be a matter of wonder, that the stream should have considerably narrowed itself, and left the northern arches dry.

Dr. Deering, (p. 164), tells us that when the great frost broke up, in 1683, which continued from September to the March following, the ice tore away part of the bridge built by Edward, since which time it has been entirely re-built of stone, supported by twenty arches. But here the doctor must have been mistaken, for the present bridge has only seventeen arches, including six dry arches—four of brick, and two of stone. If it had been said by him, that the part which had been destroyed by the ice, in 1683 had been repaired then, (and certainly five of the arches of the present bridge are much more modern than the rest, except the ninth,) and that these, with the dry ones, and also the two present arches over the old Trent, would not then make the number of arches twenty, counting the two bridges as one continuous bridge, which we believe anciently to have been the case.

The following fact must not be lost sight of:—when Colonel Hutchinson formed his military works on the rye-hills, or royals, as the high part of the meadows, at the back of the toll-bar, is called, for the purpose of dislodging the royalists of Newark from the fort on the south end of the bridge; who, when they saw the undaunted bravery, and deliberate courage of the Colonel and his men, became panic struck, and deserted the fort in the evening, leaving behind them eighty sheep, one hundred loads of coal, twenty quarters of oats, much hay, and a great quantity of lead, and to prevent any immediate pursuit, they broke up two arches of the bridge.

But when was the first bridge erected over the Trent? Dr. Thoroton informs us that in his time it was composed of twenty irregular arches, apparently built or repaired at different periods. The doctor tells us also, there was a bridge over the Trent in the time of Edward the Elder, and is implicitly followed by Deering

and Blackner. But was it the bridge erected by the monarch of Wessex and Mercia? Was that the first bridge erected in this place over the Trent? Certainly not; the Romans, who had stations at Bridgford, Causennis, or Nottingham, Hollywood, near Arnold, Mansfield Woodhouse, Lutudurum, or Chesterfield, &c. would find a bridge over the Trent here both convenient and necessary. The appearance of the remains of an old Roman road crossing the park, near the Druid's caves, passing not far from the east side of the barracks, over the forest, and straight forward to Arnold, &c. renders it almost a matter of certainty that there must have been a bridge here over the Trent in their time. Still great praise is due to the son of Alfred the Great, who either built another on the same site, or else considerably repaired the Roman bridge, which, after having stood five or six centuries, must have been considerably delapidated, to say nothing of the injuries it might have been subject to from the invasion of the Saxon and Danish conquerors. Of this we are sure, that in the time of Edward I., A.D. 1274, there was a chapel on Hethbeth-brigg, and that as Dr. Thoroton informs us, a jury found it not to the king's loss if he granted a license to John le Paumer, of Nottingham, and to Alice his wife; who was sister and heiress of Hugh de Stapleford, of Nottingham, to give £6. 13s. 5d. rent, with the appurtenances in Nottingham, to a certain chaplain, to celebrate divine offices for their souls, &c. in the chapel of St. Mary, on Hethbeth-brigg, where there is one arch yet known by the name of "chapel arch." To read the contradictory statements and conjectures of Dr. Deering and Mr. Blackner, is quite amusing; the former places the chapel, *proseuch*, or oratory, on the east side, at the south end of the bridge, on a plot of ground called lady-bay, which forms the eastern boundary of the town, to which he supposes it gave name. Mr. Blackner, on the contrary, places the chapel on the west side, at the north end of the bridge, and the pasture, called lady-bay, was probably so named from my lady's bay mare pasturing there, or a mare called lady-bay.

Dr. Deering contends that the Trent bridge, except the piers, was wholly made of wood till 1683, at which time it was destroyed in the manner before stated, after which it was entirely re-built; to which statement Mr. Blackner consents, and further tells us, in support of Deering's assertion, there is a stone in the eastern wall of the bridge, with an inscription, containing the names of a mayor and two chamberlains, in a defaced condition; and the figures, according to Dr. Deering's statement, may be the date of the bridges completion. And though nine years is a longer time than may appear necessary for erecting such a bridge, pray what nine

years does Mr. Blackner mean? Does he intend from the time the bridge was torn down by the ice, in 1683, to the date of the inscription on this defaced stone,—the deciphering of which he leaves with Dr. Deering, for that defaced stone, of which he speaks, is over the fifteenth arch, and this is its inscription:

JOHN RICKARDS—MAJOR.  
GEORGE FRITH AND JAMES HUTHWAITE,  
BRIGG MASTERS.—1702.

And is legible yet, so that if this be the date of the bridges completion, Mr. Blackner had to account for not nine, but nineteen years, as the time the bridge was being erected, and there must have been persons living, not only in Dr. Deering's, but even in Mr. Blackner's time, who might have remembered it, but he is silent on that subject.

Well then, we naturally ask, how came they to build this bridge in such a patched and unsightly manner, if they had so long a time to complete it in, as nineteen or nine years? To this Mr. Blackner replies, this furnishes no solid argument that it was not completed in 1702, as Dr. Deering asserts; for the new arches may have been erected in place of others, which might give way before the building was settled; what then does Mr. Blackner intend, for the new arches are five, all on the north end of the bridge, except the ninth which is newer than any other: so if this hypothesis be admitted, nearly half the bridge gave way while the other stood. "The gothic points at the crown might be substituted for the common curve or round topped arch, under the idea thereby of obtaining additional strength." But here again Mr. B. is unfortunate, for the ribbed-pointed arches are the older, and under the south end of the bridge; and the round topped arches are at the crown, where he says the pointed arches stand. Dr. Deering mentions twenty arches in the bridge, which Mr. B. disposes of by saying, it may have been occasioned by a mistake of the printer: if this be so, it is very singular that Dr. Thoroton's printer should have fallen into the same mistake, for he also mentions twenty.

Dr. Deering is not more careful or accurate than Mr. Blackner, at least on this subject; for besides leading Mr. B. into all the above mistakes, he tells us, that up to 1683, the platform of the bridge was of wood, and then directly subjoins that in Dr. Thoroton's time, who wrote in 1677, there was an arch of the bridge which still went by the name of chapel arch, because of a chapel called St. Mary's, standing in the time of Edward I. 1274. Really Dr. Deering is quite astonishing, how could a chapel have given a name to an arch on which it stood, about 400 years before the

first arch of this bridge was built, if Dr. Deering be accurate? There is no doubt the bridge was made of stone, and according to Dr. Thoroton, whose authority is by far the best, it contained twenty stone arches, including the arch in what is now called old Trent,<sup>(a)</sup> two arches at the north end of the bridge, similar to the two at the extreme end of the south, but the former two have been thrown into one, so that the first arch at the north end appears wider than any other.

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## CHAPTER V.

The appearance of the bridge westward, where it has undergone the fewest alterations, when attentively considered, will supply at least some of the chasms in its history.

The first five are plain strong semi-circular arches, and constitute the principal part of the bridge. The sixth, seventh, and eighth are pointed arches, ribbed inside, bearing the impress of many centuries, compared with which the five first arches appear quite modern. The ninth seems to have been turned upon piers, as ancient as any part of the bridge, though the upper part presents a style of workmanship more elegant and modern than any other in the erection. The four next, (twelve, thirteen, fourteen, fifteen), are rude brick arches, without order or proportion; but from the lower parts of the wall, and the piers on which they stand, it is quite evident that these are unworthy substitutes of their predecessors, which were pointed ribbed arches, built wholly of stone, as are the two remaining arches south of them. Such is the present appearance of the Trent bridge, which we in part account for in the following manner:—In the year 1683, it is said Edward's bridge was so much injured, that it was wholly taken down and re-built; that six of its principal arches were injured to such an extent, that when they yielded to the violence of the flood, the chapel of St. Mary, or the ruins of it, descended with its venerable supporter into the bed of the river, for in 1831, when the late Mr. N. Barnsdall was

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(a) D. Deering and Mr. Blackner, speak but of only one arch, and shows that before writing their Histories, they had not examined either.

bridge master, several fragments of stone windows, part of a large padlock and chain, were recovered from under the second arch.

These ancient reliques are admitted on all hands, to have belonged, and once constituted parts of St. Mary's chapel, which notwithstanding the opposite and conflicting opinions of Deering and Blackner, Dr. Thoroton over and over again declares stood upon the bridge. Some very judicious persons have contended that the 7th arch is the one on which the chapel of St. Mary stood, and mention certain foundations that are said to have been discovered on it a few years ago, which, if that be the fact, is decisive; but if not, then we confess ourselves inclining to the former opinion, and that the second is that which is entitled to the distinction of "chapel arch," in this instance Dr. Deering and Mr. Blackner are both wrong. (a)

Mr. Whitlock mentions a fort having been on the bridge in the 17th century, and was, as we have said, in the hands of the royalists of Newark; when dislodged by Colonel Hutchinson they broke up two of the arches of the bridge to prevent an immediate pursuit; this fact, we think, may account for the rude ill formed brick arches with which the bridge is disfigured, and from the very slovenly manner of the workmanship, betrays symptoms of haste, being done at a time when convenience was more sought than elegance, which very well agrees with the hurry and tumult of civil war. But instead of breaking up only two of the arches, the royalists broke up four.

When, or about what period is it probable the old parts of the present bridge were erected? To this we reply, that, begging Dr. Deering and Mr. Blackner's pardon, it was a stone building in Thoroton's time, and that was before the flood of 1683. It must have been of stone in the time of Edward I., 1274, as we have shown. It is not unlikely that when the Duke of Gloucester, in his war with Steven, perpetrated such mischief in the town, which he laid in ashes, he would burn the bridge; which would no doubt be repaired by Henry II, who, as we shall see, re-built the town and a second time surrounded it with a wall. There is a strong presumption that the oldest parts of the bridge, including the pointed arches, &c. were erected about the thirteenth century by Henry II. one hundred years later than the stone arch bridge

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(a) The stones once forming part of the chapel window, &c. are now in the garden belonging to Mrs. Richard's, Nottingham Arms, Trent bridges, who kindly showed them us, and whose late husband formed them into a grotto. One of these antiquarian curiosities is deposited in the Museum, at Bromley House.



erected by Matilda, queen to Henry I. at Stratford-le-bow. But where was the fort? on Hooper's sconce, (a) says Dr. Deering. Can this be called a fort on the bridge? There might have been at some time a small fort or bulwark there, as the name seems to imply, and it might have been founded or commanded during the civil war, by Hooper, one of Colonel Hutchinson's chief engineers; but it never could have been the fort referred to by Mr. Whitlock as being on the bridge; how Dr. Deering could have arrived at such a conclusion we are at a loss to conceive.

Mr. Blackner thinks the fort was situated at the north end of the bridge, from the fact mentioned by Mrs. Hutchinson in her memoirs of her husband; that when the Colonel and his men were making their approaches to take it, that they got possession of a small island or sand bank a little above the bridge, and the besieged and besiegers could converse together, as they were at furthest within carbine shot. This small island Mr. B. interprets as the Royals, where the Colonel had in his approaches formed an entrenched camp, but if the meadows were at this time flooded by the Colonel's design, and the Royals had the appearance of an island, yet certainly they could not have been called small, when a new race course is about to be formed upon them; (b) neither could such a situation be called in any sense above the bridge, and the fort mentioned was on the south side of the bridge, as it would be of necessity, if it were formed by the royalists from Newark; because then their rear would be open for every necessary purpose of supply or retreat; the bridge and the river would be in their front, a defence stronger than a wall of brass. But if we are to suppose the royalist's fort to be on the northern end of the bridge, where Mr. B. places it, they would have then only one very straightened avenue through which they could receive all their supplies, and would have been an act, not only of injudiciousness, but of madness, for instead of the bridge being in that case any advantage, would have been more injurious to them than a host of enemies, who with one gun might have cut off every succour, and prevented their retreat.

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(a) A small elevated part of the meadows on the southern bank of Tinker's Leen, near the bridge, leading to Wilford, from the high wooden bridge, over the canal.

(b) A meeting was held at the Exchange Rooms, on Wednesday 7th Nov. 1838, T. Wakefield, Esq. in the Chair, for the purpose of removing the Races from the forest, to the rye-hills, in the meadows, the ground being so hard on the old course as to injure the horses feet, but that in the latter was every thing that could be wished. It was stated by H. M. Wood, that he had surveyed the site of the proposed new course, and was of an opinion, that an excellent mile and a half course could be formed there. Resolutions were passed appointing a committee to take the necessary steps to carry into effect the proposed alteration.

The foundations of part of this fort have, a few years back, been discovered at the south end, as we have before stated, on the site of the present new watch house, so that again Dr. Deering and Mr. Blackner are both wrong.

Marianus Scotus informs us that not only did Edward the Elder build a bridge, but also on the south end of it he did build a little town over against the old town of Snodengaham. Any stranger reading this would, if he were to visit the locality, at once pronounce this to be Bridgford, and though Dr. Thoroton is of opinion that Bridgford is not the town alluded to, because Stowe expressly says, the town built by Edward was over against the old town of Nottingham, and that before the Saxon form of government was altered by the Normans, Bridgford was a member of Clifton Soc, and not of Nottingham.

Here we must beg leave to dissent from Dr. Thoroton, for as to situation, certainly Bridgford is opposite to Nottingham; and Stowe does not hint that the town erected by Edward ever did belong to the old town of Nottingham; beside there is not room for building a town on the south end of the bridge, even now, and there was much less formerly—for even within historical memory the course of the Trent, from below the bridge, took a much more southerly direction than it does now—which every old inhabitant will tell you. This ancient part of the channel of the Trent may be very distinctly traced, pursuing a wild, natural course by lady bay, and onward to Adbolton, close by where a church used to stand (a) and the ancient channel in this place is full of water, still known by the name of old Trent; and what is rather remarkable, as Mr. J. Spencer, of Adbolton, informed us, on whose farm the church-yard is, that the land between old Trent, and its present more confined limits, belongs to Colwick, to which it pays rates, though they have no road to it, except across the Trent; lest this land should be lost to Colwick parish,

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(a) The places of the graves in the field, in the occupation of Mr. Spencer, clearly mark out the site of that which was once a village church-yard—the foundations of the church are clearly distinguishable; the tower at the west end was six paces square; the length of the church, from west to east, about twenty, the breadth about eight, and had one aisle, on the south side, making it in all nearly eleven paces wide, but there is no pear tree marking the site of the church, as Mr. White tells us. There is a stone where the tower stood, 1664, which was probably the time service was discontinued. From the parish book, in the possession of Mr. Lowe, of Basingfield, we learn the church had been a rectory, having the tithes of 850 acres of arable land, was pulled down in 1746. Bricks and tiles sold for £3 12s.; stone, £1 10s.; wood, £1 15s.; bells, £5 10s. 6d. Paid Dr. Bedman, rector of Holme Pierrepont, £4 7s. 6d. The silver cup was sold to the rector, with the consent of the parish, for 17s., and a silver spoon, of 17s. value bought in its stead, which is still at the church at Holme Pierrepont.

from which it is by the river disjoined, the parish authorities go over once a year, make a hole in the ground, into which a boy puts his head, to keep its possession in remembrance.

There is only another circumstance connected with the Trent bridge to which we feel it necessary to solicit a few moments attention, and that is, to the origin of the name of lady-bay, at which place there is now a toll-bar, called lady-bay bar. The opinion of Mr. Blackner, that the name was given it from the circumstance of its being the pasture of my lady's bay mare, or a mare pasturing there called lady bay, is ridiculous. Surely a more unfounded opinion was never hazarded on any subject, by any person, than this. Now are we not told that the bridge itself took its name from certain baths which were there erected, and can we suppose there were gentlemen's baths, and none for the ladies? If the gentlemen's baths, of which we have so frequent mention, were on the north end, is it not very likely that the ladies' baths would be at the end opposite? As at that place in the river opened out wide, forming a natural bay or port in miniature, such a place would be chosen for erecting the ladies' baths.

Besides, as it is usual for ancient churches, &c., to give name to places adjacent, so it would not be wonderful if the chapel on the bridge should give name to this remarkable port in the river, and as this was St. Mary's or ladies' chapel, this place, which was so near, would naturally be denominated lady's bay.

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## CHAPTER VI.

Athelstan, 925. Edward died soon after he had completed his works in this town, in 925, and was succeeded by his natural son, Athelstan, the younger children, though legitimate, were of too tender years to rule a nation so much exposed to foreign invasions, and subject to internal convulsion, as Britain then was. In his reign Nottingham was threatened with another Danish invasion, for in 937, and the twelfth of Athelstan's reign, under Anlaf, the Danes sailed up the Humber with a large fleet of 620 ships, casting anchor on the Lincolnshire coast. Athelstan marched with his army against them, and gained over the enemy one of the most splendid victories at Brun, in South Lincolnshire, ever recorded in the annals of British warfare, in which seven Danish earls and five of their kings were slain. To encourage commerce Athelstan

passed a law that any merchant who made three long sea voyages on his own account should be admitted to the rank of a thane, or gentleman. This prince greatly extended his dominions, expelling or supressing the Danes in every part of the kingdom, deservedly enjoying the sovereignty, and established a brilliant throne, from which he descended to be gathered to his fathers, A.D. 941, aged 47 years, after a prosperous reign. In his days Nottingham had peace sixteen years.

Edmund the Magnificent, A.D. 941, was not quite eighteen when he ascended the throne of his deceased and illustrious brother. Scarcely had he begun to reign, when the Danes in Northumbria recalled Anlaf from his exile in Ireland, whom Athelstan had defeated at Brunnaburgh, the Danish prince not having the fear of Athelstan before his eyes, he being now dead, came in great force, marched a large army into the south, and gave Edmund battle. The result of the war was, that Edmund was obliged to resign in separate sovereignty to Anlaf the whole kingdom, north of Watling-street, and again Nottingham fell under the iron oppression of the haughty Danes. But Anlaf did not many months enjoy these advantages, for he died, and then Edmund re-possessed himself of all the territory he had before ceded to his enemy. The Danes who fixed themselves in Derby, Leicester, and Nottingham, were allowed to remain there in considerable numbers, but he removed the five Danish burghers, and restored the authority to the Saxon inhabitants. Edmund was stabbed by Leof, the robber, when carousing with his nobles on the feast of Augustine, A.D. 946, after a reign of only six years.

Edred, A. D. 946.—This was another brother of Edward the Elder, and brother of Athelstan and Edmund, was not 23 when he succeeded to the throne, and is said to have been afflicted with a disease which induced premature old age. He lost his teeth and hair, had a constant cough, and was so weak in the legs and feet that he was called Edredus, debilis padibus, (Edward weak in the feet). He humbled the Danes; was a determined and severe man; marched his army through Nottingham when on his way to chastise the Northumbrians, a great part of whose country he ravaged with fire and sword; returning home, he died soon afterward, after a reign of nine years, and leaving no issue, was succeeded by his nephew, son of Edmund. Edwy, A. D. 955, who having a quarrel with Odo, archbishop of Canterbury, and St. Dunstan, abbot of Glastonbury, had a part of the kingdom wrested from him, and Edgar reigned over Mercia, till the premature death of the youthful Edwy, who, in his unequal contest

with the ecclesiastics, died of a broken heart, soon following to the grave the beautiful Elgiva, his martyred queen.

Egbert then succeeded to the government of the whole kingdom, and was one of the most active and illustrious monarchs that ever graced the British throne; he avoided war by means of the vast armaments which he always had on foot, both on sea and land. The Danes he kept at a distance, and cleared the seas of pirates, having 3600 stout vessels, which scoured the seas in three divisions; he over-awed the Scottish and Welsh princes, and by requiring them to attend his court prevented them from combining against his person, as they had done in the time of Athelstan.

On one occasion, when he would visit the monastery of St. John, he caused eight vassal princes to row his royal barge down the Dee, then holding his court at Chester, while he sat at the helm and guided it whithersoever he pleased. The tribute which he imposed on Ludwell, one of the Welsh princes, serves to illustrate his wisdom and attention to his people's welfare. On Ludwell he imposed a tribute of three hundred wolves heads every year, which he had to deposit at the palace of the bishop of Winchester; which, from that circumstance derived the name of Wolvesy. The consequence was, that after paying this tribute three years, he was unable to procure any more wolves heads, either in England or Wales. Every year Edgar went through the whole of his dominions to administer justice, and to inquire into the condition of the poor. (a) One of his regulations is of a very singular nature, and is descriptive of the manner of the times,—the Danes were now dispersed through all the kingdom, and were excessively addicted to drinking, and were infecting the inhabitants of this country with this unnatural and baneful vice to a lamentable extent, so that it became a subject of contest, in the taverns where they used to assemble, who could sup the deepest out of the common wooden drinking cup, which passed through the company. Edgar made an ordinance that certain pegs should be placed at equal distances, forbidding any person to drink below his proper peg. (b)

The royal bargemen who rowed Edgar down the Dee, are said to have been Kenneth, king of Scotland; Malcolm, his son, king of Cumbria; Maccus, the Danish king of Anglesey, the Isle of Man, and the Hebrides; the Scottish kings of Galloway, and Westmere; and the three Welsh kings of Dynwall, Siferth, and Edwall. Edgar certainly bore prouder and more sounding titles

(a) R<sup>og</sup>. Horneden.

(b) Chron. J. Brompt. p. 869, Ed. Twysed.

than any of his predecessors had done. He styled himself Basileus, or emperor of Albion, king of the English, and of all the nations and islands around, &c. His titles sometimes ran to the length of fifteen or eighteen lines. Edgar died A. D. 975, aged 33, in the 16th year of his reign, and was succeeded by his son Edward the Martyr, 975, whom he had by his first marriage with the daughter of Earl Ordmer, when he was only fifteen years old. That which more particularly concerns Nottingham, and the places round, during the short reign of Edward, is the internal commotion, particularly in these parts which was attended with great heat on both sides, it being an ecclesiastical contest between the Monks and the married, as they were called secular clergy. The former of whom had been introduced into the kingdom by St. Dunstan, in the previous reign, and through the fostering power of Edgar, had by this time established themselves in these parts. Now that Edgar was dead, Alfere, the powerful duke of Mercia, espoused the cause of the married clergy, and expelled the Monks from all the monasteries lying in his jurisdiction. (a) This was not the end, but only the beginning of sorrows; Edward being murdered by Elfrida, his mother-in-law, at Corfe castle, in Dorsetshire, when out one day hunting; was succeeded by his half brother, after a short but troubled reign of three years.

Ethelred, 978. Under this king, who was only ten years of age at the time of his accession, Nottingham was once more made subject to the profligate Danes. Ethelred, seeing the sad condition of the country, and unable to resist, offered the Danes large sums of money to leave the country. Five times did this pusillanimous king buy off the Danes, giving them sums of gold, varying from £16,000 to £36,000, and even as much as £48,000 at a time, for which purpose he imposed a new tax on the people, called Dane gelt, or Dane gold, and it was not long, ere all the strength and glory of England lay prostrate, eclipsed and humbled, beneath its spoilers feet. In this state of degraded vassalage and slavery were held the inhabitants of Nottingham and the places round, till the overthrow of the Danish power in this country, which continued till near the time of the Norman conquest, when they were made captives by strangers in their own land.

Who can wonder that after the Danes had departed the country in the time of Edward the Confessor, A.D. 1041, that Nottingham, which had been so often the scene of war, so long trodden

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(a) Chron. Sax. p. 123.

under foot by the Vandal Danes, it should have been left so weakened that it had only 38 burgesses. When we reflect on the great antiquity of this town, even in those days, the former wealth and multitude of its inhabitants in the time of the Saxons and Britons, before they had so often been called to endure the desolating scourings attendant upon the horrors of war, as their descendants, we may be pardoned the lamentation,—how are the mighty fallen on the high places. The country desolate, the city burnt with fire, the land strangers had devoured it in their presence, and desolate as overthrown by strangers.

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## BOOK VI.

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### CHAPTER I.

We come now to consider Nottingham as an old Saxon borough, which we shall narrate in the following order :—1st, The extent of the borough and its liberties, which were pretty nearly the same as after the conquest ;—2nd, The manner in which society was then constituted ;—3rd, The manners, customs, &c. of those early times ;—4th, The laws by which it was governed ;—5th, The property and privileges of the burgesses. 1st, The extent of the borough of Nottingham, &c.

It does not, like some borough towns, owe its distinction and privileges to king John, as has many times been erroneously stated by Deering, Blackner, &c. nor to any other sovereign that ever ruled over this land. Every historian who has written its history has admitted that Nottingham was inhabited by the Britons, and the platform or foundation of its immunities as a Saxon borough, were laid in the very early period when it was a British city. (a) Nottingham has always been a borough, and as such recognized in every charter of privilege which does now, or is known ever to have existed, and is therefore very properly denominated a borough by *prescription*. While we claim for

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(a) B. II. chap. II. p. 20.

Nottingham the powers and honours of having been a Saxon borough before any known date, or as it is called, historical memory; not so its *corporation*, this is not in any sense by *prescription*. Every charter was formerly granted to the burgesses of Nottingham, or to the bailiff and burgesses, and to them alone, till the time of Henry VI., 1st of May, 1426.

The limits of the borough of Nottingham comprehend the three parishes of St. Mary, St. Peter, and St. Nicholas, and small parts of the parishes of Wilford and Bridgford. There are 1600 acres of land, all the fields in the borough being in the parish of St. Mary. Meadows—the west croft, 288 acres, east croft, 52A. 2R. 31P. over Trent close, 6 acres; there is another piece of land situated on the north side of Wilford, called St. George's close, 6 acres, these lands are all lying on the south of the borough.

The clay and sand fields, N. E. contain 654 acres, which, including the east and west crofts, constitute 992 acres; the forest, which is claimed by the mayor and burgesses, as lords of the manor, contains about 124 acres; Mapperly hills. 57 acres; and the two coppices, 190 acres; but in all there are 1600, (see town clerk's report p 1). At this time the burgesses have the right of pasturage over 1181 acres of land; the castle and its precincts, Brewhouse yard, Standard hill, the Park, &c. are not comprehended in the above admeasurement.

2ndly. Before going into the second part of our narration of Nottingham as a Saxon borough, in which several Saxon terms are found, descriptive of not only things, but conditions of men, which, having been so long obsolete, are unintelligible to modern ears, require some interpretation.—An heretach, was lord lieutenant of the shire; socke, is a saxon word for a borough; soc, signifying free district, having its court Baron and court Leet. The courts Baron were for the regulation of those tenants who held their lands of the Baron by copy of court roll; courts Leet were criminal courts, for inquiring into offences, in which the baron might punish offenders, even with death; sochmen, were such as paid only a quiet rent in money to their lords; borders, were such as the lord employed to manage the land he held in his own hand, kept for the purpose of maintaining his own board or table. When the estate of an Anglo Saxon was large, one part of it was occupied by the kindred and free retainers of the proprietor, who gave in return military service; another part was parcelled out into different farms, and let to certain men, from whom, at the end of the year, he required a particular account of the produce; the former were called vassals, and the



latter bondmen or villains. Villains were of various kinds, as *regardant*, when they were annexed to the land, from which they could not remove without exposing themselves to slavery; villains in *gross*, when they belonged to the person of their lord, by whom they might be transferred to another, them, their wives and their children; villains *pure*, when their property might be taken by their lord at his pleasure, and when the redemption money could be claimed from the parties for permission to marry. Natives were those who were born servants, to whom no wages were given—in a word they were the menial slaves, and as we have said, (a) to this condition did the barbarous Saxons reduce the native Britons.

The lords had a privilege of *sac* and *soc*, the former which signifies a power of holding pleas, imposing fines and forfeitures within his barony, by which he might confiscate the property of tenants, this was called *sacking* them, and is a word in use to this day, when a master turns his workmen out of employ, it is called giving him the *sack*.

*Soc*, was a right of holding a court within his lordship, for administering justice among his vassals, by which he could call them to his court, and compel them to become suitors therein.

*Thol*, a liberty given by the crown to take toll of certain persons, also a right to be exempt from the same toll themselves. This privilege was confirmed to the burgesses of Nottingham by king John. *Theam*, was a right to have slaves,—a royalty of a lord of a manor to judge in his court of the suits of his villains.

*Infangentheof*, the power of holding a criminal court to judge and punish all thefts, by whomsoever committed within his barony. *Theolonia*, the right to take toll on those who were not burgesses, in towns, markets, and fairs, for goods sold, or also including stallage, lastage, and passage. The land in Saxon times was parted into two great divisions, *folcland* and *bocland*, or as we should say, common land, reserved for the use of the folks, and from this took its name; such often was the land in the neighbourhood of Saxon boroughs, and was called folks land, or common; *bocland*, (b) was that which belonged to particular persons, such as were parcelled out in different manors or baronies. When the Saxons had secured a territory, after appropriating certain portions to individuals according to their claim, the remainder was considered as belonging to the state or community, and called *folcland*, which Dr. Spelman interprets “*terra popularis*,” the land of the public. When a particular portion of

(a) See Book v. c ii. p 10.

(b) Bookland.

land was severed from the folcland and appropriated, (provided the conveyance was by a written document), it received the name of bocland; the proprietor in most cases had it freehold. The manner of taking and receiving these lands in ancient times in this country, very nearly approached the Jewish form, see Ruth c iv, v. 7; as a man that then conveyed his lands plucked of his shoe, and gave it to his neighbour who bought it, before a witness, so in the early times of the Saxons, a man conveyed the property to his neighbour who bought it, by giving him his staff, an arrow, or his spear, and was from this called wapen-take, which in many cases retains its name to this day.

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## CHAPTER II.

The extents of baronies were computed by the number of hides of land in each of them. This term is used in "Doomsday Book" for all the counties in England, with the exception of Yorkshire, Derbyshire, Lincolnshire, Rutlandshire, and Nottinghamshire. Here the word *carucate* is used instead of hide, with which, from this circumstance, it is supposed to have been synonymous. The hide, or carucate of land, chiefly applies to that which is *arable*. As much arable land as could be tilled in a year by one plough, with a proper number of oxen, and sufficient grazing land for the supply of the cattle, was called a hide or carucate, which is usually estimated at 120 of our acres. A *virgat* of land was one-fourth of a hide or carucate, or 30 acres: this is a term usually applied to land laid out within certain boundaries for particular uses, and very frequently called a "yard land." A *bovate* of land, was as much as an ox was supposed might till in one year, commonly taken at 28 acres. An *ox-gang* was the quantity of land a team of oxen were supposed to till in one day: it was usually taken at 13 acres. The word *acre* is an old Saxon word, used indefinitely for any open extended plain. There are places which yet retain their old Saxon name of acre; there is Green-acre, near Manchester, and Sandiacre, near Nottingham.

The woods, meadows, and pasture lands, were usually calculated by the *leuca*, or mile, and by the *quarenten*; the former being about 1000 paces, and the latter 40 perches, which, at 5½ yards to the perch, would be 220 yards. This will enable

us to understand what is said of Nottingham in Domesday Book. "In the time of Edward the Confessor (it is said) in the borough of Snottingham, there were 173 burgesses or freemen, and 19 villains. In this borough there lay, or were appended, 6 carucates of land, or 720 acres; taxed to or for the king's *geld*; one meadow, and a small wood, 6 quarentens long, and five broad, which would be nearly a mile long, and  $\frac{1}{4}$  of a mile wide, containing 132,000 square yards, nearly 73 acres the wood; the land of course was managed by the burgesses, for which they paid a farm rent to the crown of 75s. 7d. There appears to have been a mint here for the coining of money so early as in the time of Edward the Confessor, in the 11th century. We do not know how long before this time it might have been established, certainly there was a mint here then, and for this privilege Nottingham paid the king an additional 40s. of Saxon coin.

The greater part of the 6 carucates of arable and pasture land, here referred to as being possessed by the burgesses, in the Saxon Edward's time, might have been what are now called the sand and clay fields, which we have given as at present containing 654 acres, and the remainder on Mapperly hills, which contains 57 acres, making together 711 acres, which comes within 9 of our estimate of what it was in the Confessor's time.

The small wood was probably that which is called the coppices, but is now larger than the estimate taken of them at the time of which we are now speaking, being now, as we said, 190 acres. No doubt this wood was set apart for the purpose of supplying fuel for the inhabitants of the borough. The meadow referred to, was that which is now the burgess land, on the south side of the town, but was then undoubtedly much lower than at this time, and must have been very boggy, and frequently inundated by floods. Therefore, being of little advantage to the inhabitants of the borough, is only mentioned in Domesday Book, without imposing any rent for the small occasional advantages the meadow could supply.

In Snottingham, in the demesne of the king, was one church, St. Mary's, in which lay three mansions. According to Mr. Turner and others, who have written on our Saxon history, the possession of any one vassal, thane, or gentleman, anciently constituted a mansion, having his tenantry around him, and formed a clan, which was of every variety of size, and hence, wherever the property of the gentleman extended, there was the liberty of the mansion, from this circumstance arose the great diversity in the extent of our parishes.

There were three parishes we may, perhaps, say in Nottingham, in the time of the Saxons, but only one church, St. Mary's. There were five bovats, or 140 acres of land, of the above 6 carucate, or 720 acres, of which with sac and soc, as it was then called, the burgesses had the royalty. But the three mansions in the borough were in the possession of Roger de Bushley, for which he paid a quiet rent annually of 4s. 7d. to the crown. It is not improbable that this Roger de Bushley was one of Edward's favourites, who came along with him from the court of Normandy, where he had spent his youth and prime of manhood, during the dominancy of the Danes, when the Saxon dynasty was in exile. After he was recalled to this country, and through the influence of the great Saxon earl Godwin, had ascended the throne of his ancestors, allowing for every just feeling of gratitude, Edward showed ever afterwards an undue preference to the Normans.

Normans swarmed in his court, ruled in his senate, and predominated in the church; and one of these Normans, as we have seen, was constituted lord over Nottingham. French fabrics were imported in vast quantities into this country—the Saxon language was considered vulgar. The French language was introduced both in the senate and the bar; French fashions—French manners—nothing was esteemed in this country, in this Edward's time, but that which was French. Such being the case, William's conquest was made remarkably easy, and it is no wonder that in a very few years afterward there should have been established a French borough here, which continued for many centuries.

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### CHAPTER III.

The gross rent, including the 6 carucates of plough land of 720 acres, 75s. 7d. the two *mintors*, for which they paid 40s., beside which there appears to have been 14 other carucate, or 1680 acres, all in the tenancy of the burgesses, for which and 120 acres, or one carucate of land, held by earl Tosti (a) at this time, which

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(a) Tosti or Tostig, was son of the great Saxon earl Godwin, who on the death of good Siward, was appointed earl of Northumbria, but behaved himself with so much tyranny, rapacity, and cruelty, as to provoke a general rising of the Northumbrians against his person and government. The insurgents marched upon York, where their obnoxious governor resided. Tostig fled like a coward, and two hundred of his body guard were murdered in cold blood, on the banks of the

might be, perhaps, the castle and its precincts, and must have been in those days a fortress, or castle royal, because for the manorial rights the burgesses paid 3 pence, of which the king received 2d. and the earl 1d.; altogether the sum paid to the king by the burgesses as *ferm*, or farm rent of the land, including money, instead of services to the crown, and also the privilege of fishing in the Trent, &c. &c., amounted to £18 in the time of Edward the Confessor.

Small as this amount may appear for the annual rent of somewhere about 2000 acres of land, a great part of which is now lost to Nottingham, it is impossible any true estimate can be formed, except we know the real value of money in those early times.

Formerly England was divided into 274,950 hides of land. The Dane geld, first established in the reign of Ethelred, was one shilling upon each hide or carucate, which produced £12,180—but then it must be remembered the Saxon shilling was nearly equal in weight to three of ours.

The different kinds of Saxon money, of which we read, are—the pound, the mark, the mancus, the ara, the shilling, the thremsa, the saccatta, the penny, the triens, the halfling, (or halfpenny,) the feorthing, (or farthing) and the styca, (or half-farthing). Some of these we know little more than their names. Part were actual coins, and others the representatives of money, like our tokens, bank-bills, checks and bills of exchange, &c. Mr. Rudings, in his annals of the coinage, i., 316 (edit. 1819) informs us—the penny, halfpenny, farthing, and half-farthing, were actual coins, so was also the triens, which divided the penny into three equal parts; and that the mancus, the mark, the ara, the shilling, and thremsa, were not actual coinage, but only money on account, whose value was estimated by weight: there is no doubt this was the case with the pound. The saccatta seems to have been rather a general expression for a piece of money, than for the denomination either of a coin, or of a particular sum. Others have held the contrary opinion.

Beyond all doubt Nottingham enjoyed the high privilege of coining money—but of what metals were their coinage made?

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Ouse, and he fled to Bruges, the court of Baldwin, earl of Flanders, whose daughter he had married, and burning with rage, entered into a correspondence with William duke of Normandy. He afterwards prevailed upon Hardard, a king of Norway, to invade this country with 100 ships of war, after having defeated earls Morcar and Edwin. Harold gave Tostig battle at Stamford bridge, where both he and the king of Norway fell, and the Norwegian fleet became the spoil of the gallant Harold, who had a few hours before offered one-third of the kingdom to his unnatural brother if he would not fight.

From the high degree of perfection to which the art of jewellery was carried in the time of the Saxons, and the demand for English jewellery in the 7th century, induced the most capital artists from Germany to resort hither so soon as 642. Bede is of opinion that in early ages there were mines of gold and silver in this country; and by some the mancus is supposed to have been of gold. Mr. Turner thinks that both gold and silver were used in exchanges uncoined. However that may be, it is certain that mention is frequently made of payments in *gold*. The Saxon penny was of silver, and so were the triens and farthings. The styca was of copper or brass.

In Gibbon's edition of Camden, page 697, we have a copy of British coinage, composed of gold and silver mixed; one side bearing a rude design of a British horse, which was an animal always in high esteem. The Anglo-Saxon penny, 979, Ethelred's, is a very neat coin, much superior to some coined afterwards. But how we shall ascertain the relative value of the Saxon and our present English coin is a matter beset with some degree of difficulty. This we know that the pound of silver was a full pound of silver, not troy weight, but another known by the name of Cologne pound, and used in this country as the tower or mint standard weight, down to the reign of Henry VII. It was  $\frac{1}{4}$  of an ounce less than the pound troy, and was equal only to  $11\frac{1}{2}$  ounces, or 54,000 grains.

The pound was divided and coined into 240 silver pennies, each of which would be  $22\frac{1}{2}$  grains; and though our pound no longer bears any relation to the Saxon pound, yet still it contains, as did theirs, 240 pennies.

The Norman shilling, like that of the present day, was the twentieth part of a pound, and had twelve pennies in it, according to which proportion all the payments are made in Domesday Book. The scill, scilling of the Saxons, is a denomination of money most frequently mentioned in their laws and writings, and it appears to have been that in which sums were usually reckoned, and yet no Saxon shilling has hitherto been found, nor farthing. Five pennies usually constituted the Saxon shilling, and sometimes four; a law of Athelstan, mentions 7200 shillings as only being equal to 120 pounds, in which case there must have been sixty shillings in each pound.

Slaves and cattle were the first sort of money before metals were employed, hence *pecus*, cattle, is the original of the Latin *pecunia*, money, and of our English *pecuniary*; many of the ancient coins are stamped with the image of a beast. Mulct, meaning a fine or pecuniary penalty, is derived also from the Latin *mulcta*, or

more properly multa, which was an ancient Roman law term for a fine, which Aulus Gellius admits generally meant a sheep, or rather a ram. Varro asserted that it was also a Samnite word, and was used by the descendants of the old Sabins within his recollection. It is remarkable that the original word still survives in the Celtic dialects of Ireland and Scotland in its original signification; in the former, it is still called a molt, and in the latter a mult, (a) hence comes the French word mouton, and our English mutton,

## CHAPTER IV.

The following it is presumed may be read with some degree of interest, as it contains the current prices of articles with which every one is acquainted, taken from the Saxon laws of king Ethelred, the seventh king of Mercia, and its twelfth monarch, A. D. 670, nearly 1200 years ago, and were no doubt the prices of these articles sold then in Nottingham ;—

	SAXON.	ENGLISH.
For a Man, or a Slave,	A Pound, which was equal to	£2 16 3
A Horse	Thirty Shillings do.	1 15 2
A Mare, or Colt	Twenty do. do.	1 3 5
Ass, or Mule	Twelve do. do.	0 14 1
Ox	Six do. do.	0 7 1½
Cow	Five do. do.	0 5 6
Swine	One do. and three pennies	0 1 10½
Sheep	One do.	0 1 2
Wheat, per quarter	Twenty-four pennies	0 5 6
Goat	Two pennies	0 0 5½
The price of a day's labour	One penny	0 0 2½

So that a working man might buy a sheep with about five days work ; no doubt these prices would vary in different seasons of the year, and the necessities of the seller or purchaser, as they do now ; for instance, in one case a slave was purchased for half a pound, or £1 8s 1½d, and in another for a *yre* of gold, the value of which is not known at this time, at another for three mancusses, or about a guinea, at another for five shillings and some pence.

(a) See Grant's origin and descent of the Gauls. 145

In burghs, beside the price of sale, the purchaser had to pay a toll to the gerefa : for a man four pennies, and for an ox a farthing, so that a man was regarded as a valuable animal, though shorn of every natural prerogative, and in many cases reduced to the level of a beast.

The burgesses, and the great bulk of the Saxon population, were employed in agriculture, and the breeding of cattle for food; their fires were, in most instances, made of wood obtained from the neighbouring forest, which privilege was generally incorporated by royal charter, as we shall see in subsequent times in the case of Nottingham.

Still the Britons had foundries and collieries (a) before the time of the Romans, and exported considerable quantities of iron, by means of the Phœnician and ancient Greek merchants.

The farms were divided into four parts—arable, meadow, pasture, and woodland. Contrary to the general opinion, the Saxons guarded the timber with the strictest laws. The large and venerable oaks in Sherwood, were not placed there by accident but design, and with a wisdom that many of our present nobles and gentry would do well more successfully to imitate, as we have sufficient evidence to prove that they planted every heath and rocky eminence; those dreary wastes which yet continue to disfigure the inviting loveliness of our country, were once covered with gigantic forests, and were then ornamented with stately oaks, which, in a comparison, might be said to vie with the cedars of Lebanon, (b)

Having appointed a proper quantity of forest timber for fuel to the inhabitants of boroughs, as we have seen Nottingham had, the rest was guarded by the Saxons with the strictest prohibitory laws; to injure growing trees was visited by a severe penalty of thirty shillings for each offence, five pennies was paid to the lord

(a) There is a site of the ancient British foundry in a field belonging — Arkwright, Esq. of Sutton Hall, and now in the occupation of Mr. W. Parker, farmer, near the present Adelpia iron works of B. Smith, Esq. at Duckmanton, near Chesterfield, where there are some of the old coal pits, and the rakes of ironstone of the Britons may be distinctly traced to this day, after a lapse of twenty centuries.

(b) What must have been the grandeur of the celebrated oaks of Welbeck? There is now lying in the Company's yard, at Trent bridge, part of a monstrous oak that was raised by Mr. Hopkin, Surveyor, from the bed of the river near Holme Pierrepont, about 18 months ago, which, with three others of like dimensions, formed in ancient times, a bridge over it there. The wood of this tree is now as black as ebony, and as hard as iron; the upper end of one of these giants of the forest is apparently about four feet in diameter.



of the manor for every tree that was cut down, and also five for every other tree that was injured.

Referring to this, Stow says, that three parts of the kingdom were formally set apart for tillage, &c. which may well account for the burgesses of Nottingham having had nearly 2000 acres of land belonging to them, for the yearly rent of £18. (a) Then land was cheap, an acre of good arable land was sold for four sheep, or four shillings and eight pence of our money. The Saxons milked goats and sheep, as well as cows. May was called *trimilchi*, because they then commenced milking their cows *three* times a day. But to preserve their cattle alive in severe winters was found a most difficult thing, all, except milch cows, wintered in their fields, and many perished. There can be no doubt that their system of husbandry was very imperfect; for this reason swine were as much valued in boroughs as in villages. The sheep were principally prized for their wool; pigs were driven into the woods, and there left to grow and fatten on acorns, without any expense, and on these they principally subsisted, as regards flesh meat; and from the well known tendency of this kind of food to induce cutaneous diseases, may perhaps be the reason so many persons in this country used to be infected with leprosy, and an hospital for lepers was formerly established in Nottingham. Some idea may be formed of the vast quantities of swine that used to be bred here, when one nobleman is said to have bequeathed in his will 2000 swine to his two daughters; another individual founded a church, on condition that 200 swine were kept for his widow.

Marl was used by the Saxon agriculturists for improving the land instead of manure, which, in those days, was little regarded. They ploughed certain lands till they were exhausted, and then laid them down for pasture. The Saxons were unquestionably much inferior to the Britons in their management of land, for in the time of the Romans this country could not only supply the wants of its inhabitants, but also export large quantities of corn to Rome. This evil attendant upon the mismanagement of the Saxon cultivators of the soil was attended with most disastrous consequences to all classes of society, especially the poor, who often experienced a scarcity of bread. In the time of Egfrýd, twelfth king of Mercia, there was a great famine, A.D. 793, when the people made a kind of bread of acorns, &c. There was famine again 975, the last year of King Edward, when, to use the ex-

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(a) Considerable quantities of land have been lost to the burgesses of Nottingham through sheer neglect, and are now incorporated with Basford, Lenton and Arnold.

pressive words of the Saxon chronicler, "famine scoured the hills," by which we understand, not only were their cattle all consumed, but even the roots of plants, and withered leaves of trees, were boiled and eaten by the famishing thousands of inhabitants. Sixty-five years after, in 1040, was the "great famine," in the reign of Hardicanute, the Dane, which was more severe than any other that had preceded it; when the sester of wheat rose to 55 pence, and even higher. And four years after this the following notice occurs:—This year there was very great hunger over all England, and corn so dear as no man ever remembered before, so that the sester of wheat rose to 60 pence and higher. This was in the 2nd year of Edward the Confessor.

Horses were prohibited from being used in agriculture; oxen alone were employed, four generally being yoked to one plough, which very nearly resembled the present form, and had an iron share and coulter, but the rest of wood, and had a wheel at the end of the beam. The ewes were milked twice a day for cheese, which was made by the shepherds. Oxen were yoked to the ploughs, &c., by means of ropes formed of willows, and sometimes by twisted skins. In April their seed time was over. Sheep-shearing in June; at the end of this was feasting; and in harvest a horn-blower, or minstrel, was employed in music to cheer the reapers. August finished their harvest, and September commenced the sports of the field, in which all classes engaged. In November they repaired their implements of husbandry, and in December they thrashed out and winnowed their corn. The monks managed the ecclesiastical estates, ploughing, sowing, &c. The implements of husbandry were ploughs, scythes, sickles, spades, axes, pruning-hooks, forks, and flails; they had also carts and waggons.

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## CHAPTER V.

3rd. The garden fruits were figs, nuts, almonds, pears and apples. The management of bees was with them an object of considerable importance. They eat poultry and eggs, milk, cheese, and butter, but their general diet was bacon, and barley bread, and sometimes not even that, for we read of some monks being so poor that they were obliged to live on dried beans, moistened with

a little honey. There is no doubt the ancient Saxons eat horse flesh, but this practice was discouraged after the introduction of christianity, and finally done away with in the ninth century. Fish was much used as winter diet, when their neat cattle were too lean for food, and the inhabitants were confined to salt meat, chiefly bacon. Fish were a kind of money : hence there were two portions of land purchased for 22 pounds, which brought in a rent of 16,000 fish annually. The Saxons had usually four meals every day. We give the bill of fare of a Saxon dinner, extracted from the Sea Kings of England.

“The dining table was oblong, and rounded at both ends. The cloth was a rich crimson, with a broad gilt margin, and hung low beneath the table. The company sat upon chairs with concave backs, and were arranged much as at the present day, with a view that to each of the ladies should be assigned a neighbour of the other sex. The dishes consisted of fowls and fish, of the flesh of oxen, sheep, deer and swine, both wild and domestic, not excepting certain portions of the sea-swine, or porpoise, a food not at present much in repute, but at that period no unfrequent article of diet. There were two *sanda*, or dishes of *sodden syftian*, or soup *biruilli*, and one of the *seathen*, or boiled goose. The bread was of the finest wheaten flour, and lay in two silver baskets upon the table. Almost the only vegetable in use among the Saxons was kale-wort, and the only condiments were salt and pepper. These various articles were boiled, baked, or broiled ; and were handed by the attendants, upon small spits, to the company, hot. Instead of forks, which were not used in England till James the First's time, when Tom Coriat introduced them from Italy, our ancestors made use of their fingers ; but, for the sake of cleanliness, each person was provided with a small silver ewer containing water, and two flowered napkins of the finest linen. Their dessert consisted of grapes, figs, nuts, apples, pears and almonds.”

The Saxons were awfully addicted to drunkenness, the king and his nobles, prelates, &c. would frequently drink at their christian festivals for several days together. Articles of dress were, for the most part, the produce of the household industry of the women ; the daughters of Edward the Elder were chiefly engaged in spinning, and Alfred the Great in his will, terms the female part of his family the *spindle* side, and hence the word of unmarried women being in law termed spinsters. The art of weaving was then sufficiently advanced to give variety to the fabric, whether linen or woollen, by the introduction of different colours. A robe of aldhelm was purple, and within black circles were worked figures of the peacock. That this figuring was done, not by the hand

but in the loom, may be gathered from a panegyric written in the seventh century on a certain virtue, which Adhelm says, comparing it with the fabrics then made, is not of one uniform colour or texture, without any variety of figures that please the eye, and appear beautiful, but one that is woven by shuttles filled with threads of purple and many other colours, flying from side to side and forming a variety of figures and images, in different compartments with admirable art. The manufacture of woollen cloth was well known, and carried to a great extent and perfection, as we have historical testimony to prove, in Nottingham so early as the twelfth century, and as there is no account of its beginning, it is very probable it was established many centuries before king John granted them, by charter, the privilege of having a merchant's Guild.

Silk was worn by the wealthy in Saxon times, but the habiliments of the common people were made either of linen or woollen; several articles of dress were formed of tanned leather,—shoes, ankle leathers, and hose, also bottles, wallets, pouches, flasks, and boiling vessels; the art of tanning leather with the wool or hair on was also practised. The skins of martins were imported for their fur, with which, as well as cat and lamb skins, a variety of articles of dress were formed.

The Saxons, after the Danish invasion, very wisely turned their attention to ship building, and in the tenth century had a royal ship, the head of which was wrought with gold, the decks were gilded, and the sails were of purple.

The undermost part of the male attire was a linen shirt, above which was worn a tunic of linen or woollen, according to the season, descending down to the knee, and plain or ornamented round the collar, according to the rank of the wearer; the tunic was open at the neck, and sometimes at the sides, had long sleeves reaching to the wrists, sometimes tight, at other times set in close wrinkles from the wrist to the elbow; it was generally confined by a belt or girdle round the waist; its Saxon name was *roc* or *rooc*, over this was worn a short cloak (or mantle) some fastened on the breast, and others on the shoulders, with brooches, or *fabulæ*. Linen drawers and stockings (called *brech hose*) of linen or woollen, the latter frequently bandaged from the ankle to the knee with stripes of cloth, linen, or leather, were worn by the better orders, and shoes of some description by all; even the common labourers, who are usually depicted bare-legged, are rarely seen bare-footed. The Saxon shoe (*sceo* or *scho*) is generally painted black, and drawn with an opening down the instep, secured by two thongs. They also at times wore a short boot, or buskin,

and a half stocking or sock, (probably what they called *sacca*,) which was sometimes seen worn over the hose instead of the bandage.

The Saxons wore no hats, or any covering for the head, except an helmet in the time of war. The ornaments worn by the male sex were bracelets, brooches, and *fabulæ* of gold, silver, and ivory chains, crosses, and rings of gold and silver, sometimes beautifully enamelled; belts of gold and silver studded with jewels, and head bands or diadems of the same magnificence. Usually the hair was worn long, parted on the forehead and hung down on the shoulders; the beard was ample and generally forked, and they tattooed their persons after the manner of the ancient Britons.

The female costume was very modest and becoming, consisting, besides under garments, of a long ample robe with loose sleeves called a (*gunna* or *gown*) which was worn over a closer fitting one, called a *kirtle*, which had tight sleeves reaching down to the waist, their shoes were similar to those of the men, only lighter.

They had no bonnets but a head dress, formed of a veil, or long piece of linen, or silk, wrapped round the head or neck, called in Saxon, *heafodes rægel*, which signifies *head rail*, or *wæfles*, derived from *wæfan*, (to cover). The mantle formed part of the dress of the superior classes; no doubt they wore some kind of hose, but their garments reaching down to the ankle the former could not be seen,

The Anglo Saxon ladies paid great attention to the dressing of that most beautiful ornament of a women, the hair. Adhelm describes these twisted locks of a lady as being delicately curled by the iron of those adorning her; and Judith in the Anglo Saxon poem, so called, is apostrophised as the "maid of the creator with twisted locks." Adhelm also describes a wife, as loving to paint her cheeks with the red colour of stibium.

They had also cuffs, ribands, bracelets, gems, gold, vermiculated necklaces, golden head-bands, ear-rings, a neck cross, and a golden ornament called *sylas*. Gloves, however, were very rare, and those then used were a kind of muffler, having a thumb, but no separate fingers, and were seldom used till the 11th century.

The following enigma will show the kind of armour worn by the warriors:—

"I was produced in the cold bowels of the dewy earth, and not made from the rough fleeces of wool; no woofs drew me, nor at my birth did the tremulous threads resound, the yellow down of the silk worm formed me not; I passed not through the shuttle, neither was I stricken with the wool comb, yet strange to say, in common discourse, I am called a garment; I fear not the dart

taken from the long quivers." These coats of mail were formed of small rings connected through each other ; or scales of iron riveted one to the other, which were polished like silver.

Their battle mail shone—  
By hard hands well locked.  
The shining iron rings  
Sung against their weapons,  
When they to the palace,  
In their formidable apparel were delighted to go.

Beowulf addressed him,  
The mail shone upon him ;  
The heavy net was linked  
By the smith's care.

The common soldiers had no uniform except a breast *beden*, or *breast beoy*, a corslet, and a Phrygian helmet, made of leather, sometimes bound with iron, it had occasionally a cerated comb or crest, called by these writers *camb on hette*, or *camb on helme*. In the tenth century we find the helmet conical, and approaching the form of the nasal helmet of the eleventh.

Their shields were oval, made of wood, covered with leather, the rim and boss were of iron. The offensive weapons were long broad swords, axes fixed in long handles, their javelins or spears barbed, or leaf shaped, and a short curved dagger or knife, called *æder-seux*, or vein knife. The spur worn by the cavalry was the goad, or prick spur, fastened on the foot by leather straps, as at the present day.

We have remarked that the Anglo-Saxons had salted meat, nearly half the year. When they killed a sheep, one man held it, if a ram, by the horns, while another struck off its head with an axe. Boiling, baking, broiling, &c. were the usual modes of cooking their animal food. The ancient Saxons had been addicted to eating flesh raw. The cook was generally a man slave, and so were those that waited, who always brought the meat to the table hot on the spit, and kneeled down while presenting it to the guests. They had knives, but no such things as forks, each cutting that part which he liked best, and holding it in his hand till eaten.

## CHAPTER VI.

Very great respect was paid to women, unchastity was punished with the severest rigour, even by the women themselves. When a female was guilty of this crime, a number of women pursued her from one place to another, but she nowhere found refuge or pity, she was assailed with fresh persecutors wherever she went; either they pierced her body with knives, till under the barbarity she expired, or compelled her to be her own executioner by hanging herself, after which her body was burnt to ashes, and over them the partner of her crime was put to death.

Very seldom were females employed in any part of the labours of the field, not so much as even milking the cattle. The shepherd milked his ewes, and afterwards made the cheese.

In their marriages their dignity, as well as inclination, was consulted; and in the history of Ely a case was mentioned of a lady refusing to marry a gentleman, because his possessions were not large enough to entitle him to sit in the witenagemot, or national convention, like our House of Lords. (a)

So early as the sixth century a law was made, that if a wife who had borne children, was left a widow, she should have half of her husband's property. Some idea may be formed of the sweet affections which in those early ages cemented the connubial estate, from the tender and passionate address given us in Alfred's Boethius of a wife to her husband. He says—"Liveth not the wife also? She is exceedingly prudent, and very modest. She has excelled all other women in purity. She lives now for thee, thee alone; hence she loves nought else but thee. She has enough of every good in this present life; but she has despised all for thee. She hath shunned it all, because she hath not thee also. This one thing is now wanting to her. Thine absence makes her think that all which she possesses is nothing. Hence for thy love, she is wasting and full nigh dead with tears and sorrow.

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(a) This national assembly of parliament has been distinguished by various names in different ages, *Michael-snoth*, or great council; *Michel-ginote*, or the great meeting; and *Wittenag-mot* or the meeting of wise men.

" Tedious moments ! speed your flying,  
Bring Cordelia to my arms,  
Absent—all in vain, I'm trying  
Not to languish for her charms.

Busy crowds in vain surround me,  
Brighter beauties shine in vain ;  
Other pleasures but confound me,  
Pleasures ! but renew my pain.

What, though three whole years are ended,  
Since the priest has joined our hands—  
Every rolling year has tended  
Only to cudear our bands.

Let the wanton wit deride it,—  
HUSBAND is a charming name ;  
None can say, but who has tried it,  
How enjoyment feeds the flame.

Wives our guardian angels are !  
Heavenly charms, with virtue drest,  
Gently soothe the hour of care,  
And smiling spread the couch of rest.

Happy state, transporting treasure !  
Circling maze of noble love !  
Where the senses' highest pleasure  
But a meaner blessing prove.

Dear Cordelia, hither flying,  
Fold thy husband in thy arms !  
For while to lull my heart I'm trying,  
The more I languish for thy charms."

The preliminaries of a marriage consisted in obtaining, first, the consent of the lady, next of her friends ; one of whom was appointed to act in her behalf, and who required not only the pledges of the bridegroom expectant, that he would take care and keep his bride in circumstances suitable to her condition, but also the sureties of his friends, who thus bound themselves to see that he duly fulfilled his engagement. The precautions did not terminate here: the next subject of consideration was, the means of supporting the children that might be the issue of the marriage; and the friends of the bridegroom were again called upon to become responsible for his engagement. The amount of the *morgen gift*,



a bridal offering, or jointure, (generally a piece of land) which was given the day after the marriage, and of the property that was to be settled upon the wife, in case of her husband's death, was next determined; and pledges having been mutually given that in case of removal from one jurisdiction to another, no injury should be sustained by the wife; on the other hand if she committed any foul offence, proper compensation should be made by her friends: the seal put to these engagements was the marriage. The ceremony was of a religious nature, conducted by a priest, who implored a blessing on the union. It was followed by dancing and festive rejoicings, which lasted for many days.

Baptism was usually administered to children by immersion, within thirty days after their birth. The connection established between the child, and those who stood sponsors for it, was much respected in those days. The name by which each was known to the other, and to the child was *god-sib*, implying that they were religiously allied. The word *sib*, meaning kindred. (a)

In the names given to children in Anglo-Saxon times, there may be traced a striking resemblance to an ancient custom of the Hebrews, which were descriptive, as well as proper names of the persons to whom they were given. (b) Thus to warriors and kings, we have Athelwulf (the noble wolf); Behrtwulf (the illustrious wolf); Hundbert (the illustrious hound); Eadwulf (the wolf of the province); Sigwulf (the wolf of victory). There are other names which imply regard for peaceful and civic virtues: Edgar, (which implies a keeper of his oath); Egbert, (advised into equity); Earnulph, (the help or defence of honour); Oswine, (loved of his house or family). Some of the female names are gentle and expressive, thus:—Adeleve, (the noble wife); Wynfreda, (the peace of man); Deorwyn, (dear to man); Deorswythe, (very dear); Winnefride, (a winner or gainer of peace).

A child of ten years might give evidence in a court of law. Until a girl was fifteen the father could marry her to whomsoever he pleased; but after this age he no longer possessed the authority. A boy at the age of fifteen might become a monk. Parents sometimes abandoned their children; and every one who fostered a foundling in his house, was allowed, from the state or borough fund, 6 shillings for the first year; and for the second, 12; for the third, 30; afterwards the foster parent was paid in sums advancing according to the appearance of the child. Cradles like

(a) Verstegan, p. 246. The word is still in common use in Scotland in the same sense.

(b) See Turner Anglo Saxons, Vol, iii p. 2. Verstegan p. 304.

our own were used in Anglo-Saxon times ; and ladies of the highest rank, as well as others, generally suckled and nursed their own children. A father, that was very poor, might sell any of his children into slavery for ten years, if the child gave consent.

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## CHAPTER VII.

4th. The laws of the Anglo-Saxons were remarkably simple, and the taxes very light. Burghs were subject to the small annual taxes, commonly called "*trinoda necessities*." 1st, *Brycbg-bote*, the tax for the maintenance of bridges and highways. 2nd, *Burh-bote*, that for the repair of the walls of burghs and fortresses. 3rd, *The Fryd*, or military services. The criminal law of Ethelbert was very mild, and betrays a singular regard for the liberty of the subject, and for human life. There is little or no corporeal punishment, no imprisonment, no death punishment ; at least none which might not be compounded for, which was called the *wehr-geld*, which might be denominated *ransom* or *atonement* money. There do not appear to have been any judges in England, till this old British custom was revived by Alfred the Great. Before that time every borough had its *folk-mote*, or Moot-hall, which was a court leet, as it was afterwards called. Here the trial took place, which was very different from our manner of trial. The culprit was arraigned on the oath of the injured party, which oath was confirmed by seven compurgators, who testified to the credibility and respectability of the plaintiff. (a) Should there be any doubt as to the prisoner's guilt ; if the hlaforð or his gerefa, (magistrate or his deputy), came forth and swore the man had not been convicted, or at least within a certain period, fixed since the last great council, had not paid the thief's fine—and this oath was confirmed by one or two true men, or thanes—the prisoner had the privilege of clearing himself by witness, as to innocence, by character, or by *ordeal*, called the judgment of God, which was administered three ways :—1st, By plunging the arm in a boiling caldron ; 2nd, Bearing a red hot iron in his hand for nine paces ; 3rd, or walking over hot plough-shares, with the naked feet, after which the hand or foot was sealed, and if, after

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(a) See Sir Francis Palgrave's *England Commonwealth*. p.213.

three days, there were no marks of festering or mortification, the man was acquitted of the charge.

Sometimes the question was settled by the ordeal of the *cross*, by which the accused party was allowed to draw from under a cover, either of two pieces of wood; on one of which had been cut the figure of a cross; if that was drawn, he was acquitted; if the other, he was condemned. Another mode was that called the *corsned*;—this was a small piece of bread, used in the sacrament, which was given to the culprit to eat, and if it appeared to stick in his throat, or if he shook, or turned pale, in his attempt to swallow it, his crime was held to have been proved; if not he was judged innocent. Another kind of ordeal was, of fighting a duel with the accuser, either in person or by proxy, called *wager by battle*, though often ascribed to the Normans it very likely existed also in the Saxon times.

The ordeal proves, in our opinion, beyond all doubt, that among the early Anglo-Saxons the trial by jury was not used or known. Almost every crime that a man could commit had its *atonement* price established by law, called *wehr-geld*. In one of the oldest Saxon laws we have the following list of penalties, and the cause why they are enforced:

Having injured or destroyed the following members of the body:—

A leg was valued at 50 shillings, Saxon money. An eye, 50s.

The little finger, 11s. A great toe, at 11s.

A front tooth, 6s.; and a back tooth at 1s, and a nail on the finger or toe at the same price.

Even murder, or taking away the life of the king was not always punished with death, (a) and if the culprit, or his friends, could not raise the *wehr-geld*, or atonement money, he was not exiled from his country and kindred, like our unpitied convicts, but reduced from his condition as a free man, to be a slave, from which in time he might redeem himself, or by his good behaviour merit and obtain his manumission.

But there were a few crimes which could not, or were not often compromised, and were called *boteless crimes*, or those for which the life of the convict was taken; military desertion, open thefts, house breaking, premeditated taking away life; when the proof of guilt was indisputable, he was allowed no trial, he was said to bear a wolf's head, no mercy was shown, but on the spot he

(a) Allen's Inquiry into the use and growth of the royal prerogative in England. 8vo, 1830.

might be killed, the instant he had committed the crime ; he was treated as a wild beast.

If a thief was "hond-habend and back-barend," or in the actual possession of the spoil, he was hanged, or decapitated on the spot. A stranger found lurking in the woods, was treated as a thief, if he did not blow his horn to proclaim his distress.

Whipping, branding, the pillory, amputation of a limb, mutilation of the nose, ears, and lips, plucking out the eyes, and tearing of the hair and nails, were all punishments introduced by degrees in later periods.

The sports and pastimes of our ancestors in these early times claim our attention, inasmuch as the popular diversions of any people are a part of its civilization, and change in their objects and character with the various phases of its social condition. Hunting and fishing, in a barbarous people, are practised as a means of sustenance ; but with the civilized, as a source of amusement. Hunting the wild boar and deer were the principal objects of the chase, and hounds were trained for the purpose. They also hunted goats and hares, and the chase was enlivened by the sound of the huntsman's horn. Hunting was practised on sundays till the reign of Canute the Dane. Hawking always ranked next in the elegant sports. A book on the management of hawks is said to have been written by Alfred the Great.

We have no account of horse-racing in the time of the Anglo-Saxons, but trying the speed of horses was usual among young gentlemen, which practise might be considered as the embryo of horse-racing. Running, wrestling, &c. was practised, as was also the baiting of bears and badgers. Gleemen were most important characters at the festivals, some of whom performed tricks, gambols, and feats of all kinds, like our mountebanks, &c. The Anglo-Saxons were very fond of dancing, one kind of which must have demanded great exertion and skill, called the *war-dance*, by two men, dressed in martial armour ; they had a sword and a shield, and went through the evolutions of a mock combat, to the sound of music, harp, horn, &c., and a female dancing round the combatants. One remarkable fete of the gleeman was that of throwing up three balls and three knives alternately, and catching them again in the same order in which they had been cast up, and continued to be tossed into the air. Their in-door sports were chess and back-gammon.

## CHAPTER VIII.

5th. In discussing the privileges of the burgesses in the ancient Anglo-Saxon borough of Nottingham, we shall adopt the following principles, by which we shall endeavour to elucidate our subject in the subsequent parts of this history. 1st, Nottingham was an ancient Anglo-Saxon borough by *prescription*. 2nd, That in principle all the ancient boroughs were the same. 3rd, That the same class of persons formed originally the body of burgesses in all Anglo-Saxon boroughs. 4th, That this class has never been *directly* changed, from the earliest period, till the late municipal reform. 5th, That the burgesses were the permanent free inhabitants of the borough, performing their duties, and enjoying their privileges, as inhabitant householders, paying *scot* and bearing *lot*; presented, sworn, and entered at the court leet. 6th, That the fee simple of the common or burgess land was vested in the crown, but that the manorial rights and privileges were delegated to the burgesses as a body, on their performing certain conditions. 7th, That they had no other character or name till the reign of Henry VI., by whom the first charter of municipal incorporation was granted, which superinduced upon the original character of burgesses, that of *corporation* also, for the purpose of giving them a power of holding lands by succession of sueing and being sued by their corporate name. But the class of persons to whom this charter was given was still the same. 8th, That the exercise of selecting burgesses was a *usurpation*, equally opposed to ancient custom, the rights of the inhabitants, and the spirit and letter of every old charter. 9th, *Non-resident* burgesses were introduced in direct defiance of the parliamentary writ, and by usurpation was afterwards applied to the electors, particularly after the restoration, in the 13th year of Charles II. Though some of these abuses were corrected after the revolution, by William and Mary, yet other wrongs were continued. "1st, That Nottingham was a borough in time of the Anglo-Saxons, which with all its privileges and immunities were in the hands of the burgesses, and in their hands alone; for through the whole period of Saxon dominancy, neither in chronicle, nor charters, is there a trace of any *municipal* corporation.

On the establishment of this one simple question, all the force of the argument depends, and lightly as some persons may treat

the matter of "burgess rights", which cannot be too scrupulously guarded, the time is not far distant when it will force itself on the attention of the country at large, as well as on the inhabitants of Nottingham. Had it not been for a few active and diligent men forming themselves into a permanent committee, there had been no comfortable four-roomed cottages erected in front of the new cemetery, for aged burgesses and their widows. Had it not been for that self-constituted committee of freemen, what would have happened to the burgess property in Nottingham?—Look at Derby—look at Leicester—judging from them, no small portion of their property would by this time have been irrecoverably lost!

While our object is to show from charters and ancient usage, the right of every householder in Nottingham, paying scot and bearing lot, to a participation of every right claimed by a freeman of Nottingham, nor shall we lightly turn from it, (others before us may have given a history of the town, we would carefully also give a history of the *people* who live in it, and bears its burdens, which, to any cannot be called light). While we would fairly attempt to show the undoubted right of the rich as well as the poor to an immediate participation of the advantages of a freeman of Nottingham, such persons may and have a right to turn their carriage horses or hunters into the common pastures, but they leave it to the poor, that they may profit by so generously renouncing a right in their favour; many of the poor burgesses have no horse, nor cow, nor sheep, nor swine, so that as matters are, the poor man is unbenefited by the generosity of his rich neighbour, and the land lies nearly useless. When equity as well as philanthropy and sound policy would say, let the poor have every possible advantage from it,—give it to the poor. It does not say make them comfortable in a workhouse, but it says encourage every man to be industrious, and when he is straightened with his rent, supply him with a house free of rent; not of one room like a stable, but of four or five rooms, that he may be enabled to classify his children at night, the males and females, let their houses have back and front doors, giving a free ventilation of air through them. Take those on Derby-road, before mentioned, for a pattern, and if the burgess lands round Nottingham were sold, there might be hundreds of such houses built for the poor burgesses. What would be the consequence? Why, that hundreds of men, with their large families, would be living in good houses, on a tenure better than their own; the rents of others would be lowered; building land would be cheapened; manufactories would be multiplied; industry be rewarded; and the tone of moral feeling exalted. At this moment the peo-

ple of Nottingham have it in their power to do more substantial good for the poor, themselves, and future generations, than all the acts of Parliament that ever have passed the British legislature.

We have already stated (p 97) the amount of common, or as it is called burgess land, lying in the meadows, sand and clay fields, and the coppices, when added together, amount to about 1181 acres. Over this they have the right of pasturage, and this might be all sold for building and garden land in a few years, the re can be no doubt. If the interest of the burgesses of Nottingham, in this property, were all disposed of, at intervals of a few years, and averaged only one shilling per square yard, it would amount to £286,274 8s. Were a thousand freemen's houses erected in convenient and airy situations, and these houses cost £100 one with another, having necessary conveniences to each, the cost would be £100,000; still there would be a surplus of £186,274 8s. to constitute a fund for the support of the sick, the poor, the aged, &c. If this money were invested in securities, yielding only 2½ per cent., there would be an annual income arising of £7,156, which would yield 6s. per week to 458 poor persons. Were this the case—were such a fund created—would there be any occasion for poor rates in Nottingham, or a Union Workhouse? It is humane to advocate the cause of the virtuous and distressed poor, who are compelled to apply for parochial assistance—they should have every comfort consistent with the condition of those who are supported by the laborious industry of others. If we admit it would be proper that those who depend on parochial aid were better fed, and clothed with a finer garb than many of the poor families who were maintaining themselves, and supplying their quota to the parish funds, it were utterly impossible for those who have all their previous life maintained themselves, enjoyed the happy comfort and quiet independency of their own fire-side, ever to become reconciled to the unsacred, and unquiet usages of the poor-house—however well fed or clothed, or kindly treated there, yet it is a workhouse still. Feed and clothe such a man however well you may, every attribute of a freeman departeth from him the moment he enters the workhouse—remembrance is cruelly faithful at her post; he cannot forget, despite his every effort on the contrary—he cannot cease to think on the days of his domestic comfort, now for ever past—and be sure of this, never again will that aged stock germinate and strike its sapless roots, having been torn from the soil on which it grew, but, drooping, languishes and withers to its own destruction like the gathered rose.

In Nottingham, should they be continued, these miseries will be needlessly endured, for in the brief estimate here given, there

is no mention made of the forest, St. George's close, Trent close, and the 57 acres on Mapperley hills, &c. &c., from which it must appear there is no attempted exaggeration.

But what is now the advantage derived from all this vast amount of property? Burgesses may turn in three head of cattle, if they can purchase them, into the meadows—west croft, from July 6th to August 13th—5 weeks and two days; and from October 3rd to Old Candlemas, 17 weeks 2 days, but after Martinmas they may turn in 45 sheep instead of their three head of cattle. Besides this, there are twenty burgess parts in the west croft, the annual value is 50s. each; east croft,—here there are thirty-five burgess parts, and burgesses have a right of pasturage for three head of cattle from September 19th to Old Martinmas day, the pinder claiming 2s. 6d. for each cow, and 3s. for each horse so depastured. Sand and clay fields,—here the burgesses may turn in their cattle from August 12th to Nov. 12, the time being fourteen weeks in a year; Mapperley hills contain forty burgess shares. It is very questionable if the entire annual benefit of the town amounts to £2,000; and as things are at present conducted the money arising from the possession of burgess parts is participated by some who have ample means of their own, so that it is not even the *poor* freemen who alone enjoy the immunities, small as they now comparatively are, the whole number of burgesses who have this year enjoyed the pasturage right is only 200, and many of these are persons who could well afford to pay for the pasturage of their cattle, and would gladly surrender their right to the poor, if they could only take the advantage. But alas, in many cases, the poor burgesses, instead of having horses of their own to turn into a pasture which is provided for them, themselves have to labour like horses, and must be content with but a bare pasture at night.

If there now were, or were likely to be a fair number of poor men permanent residents of Nottingham to be admitted to the rights of burgesses, we should not feel called upon to make any lengthened remarks on this contested subject. By the inclosures of public land, which at no distant period will certainly take place, the burgess's property no doubt will become much more profitable than ever it has hitherto been, and if there could be a sufficient number of *poor residents* admitted to participate in the additional profits, which we trust are soon to be created, then all would be well, for by lightening the pressure of *poor rates*, every dweller in the borough would be benefitted, and little would it concern any right-thinking man by what name the poor who were



immediately benefitted, were known; indirectly all would feel the advantage.

But as the law now stands, however poor, industrious, and deserving the great body of the inhabitants may be, who bear the principal part of the public burdens of every kind, and who, in these hard times, often pay the rates with the money that should buy their children clothes or food, they cannot hope ever to have one single advantage supplied by that *town property*, which they all their life are supporting, and without whose presence, genius, and labour, the manufactories must stand, and the town become a wilderness, or something worse. The great body of our working population would, before asking parochial aid, submit to the hardest fare at home. Shall there be no assistance given to these poor but noble-minded, hard-working, honest men, when it is, or soon might be, in our power to render it? They might be benefitted only they are *not burgesses*. Here then we meet with an insuperable bar.

We hope those who are most opposed to the poor resident householders in this borough, will calmly read over the brief and very hasty sketch of burgesses and corporations which is here presented, in a spirit of the sincerest desire to conduct the question between the householders and freemen to some useful issue. Take the following extracts from the Saxon laws, &c.

The first of these extant is, Ethelbert, king of Kent, who reigned from 564 to 616—fifty-one years—in which the population is distinguished by *freomen*, freemen, and *servi*, or slaves.

Lothaire and Edric, 675. These laws, called *judgments*, consist of 16 sections, the last which speaks of a freeman, and the *vic*, *nick*, or town to which he belongs. In the code of Witred, 691, it is provided, "If any one shall make his man free at the altar, he shall be free amongst the people."

Another body of laws is ascribed to Ina, 688, and directs, "that if a bondman or slave work on a sunday, by order of his master, he shall be free; and if a freeman work on that day, shall lose his freedom, or be fined 60s. So that there was a strong tendency to increase the number of freemen in the Saxon laws, sec. 25, merchants are to sell before witnesses, which explains the reason why goods were required to be sold within a borough, and why the borough-reeve, or king's bailiff, was required to witness the sale. Also, if a slave departed from his lord without leave, and fled into another shire or borough, if not immediately pursued and taken back, but was allowed to remain in the place of his asylum for twelve months and a day, might then do his suit at the court leet, and afterwards be free. Sec. 30. Ina.

The laws of Alfred must have greatly multiplied freemen. If any man bought a slave, and he served faithfully his master 6 years, in the 7th he shall go free : and also, if a man maimed his slave he became free.

Edward the Confessor strictly forbids any articles to be bought except in a borough before the bailiff, who was to weigh, measure, and examine, and for his trouble was allowed to take toll for each act so performed. This was the real foundation upon which the presiding officer in a borough gave to any person, if he came to live for a short time only, a license to trade ; or if he wished to reside permanently, then the bailiff should ascertain whether he were a freeman ; and if so, that he should enrol him as a *burgess*, being one of the free inhabitants of a borough.

The 13th sec. of Athelstan provides for the perambulation of boroughs, and if any repairs are needed they shall be done within fourteen days afterward. Supplement to the laws of king Edgar, 959, provides that any merchant leaving his house to pursue his merchandize, was to inform his neighbours where he was going, and when he should return. Mr. Lye informs us, without any reference to this subject, that the Saxon word *burgess*, when compounded, always means inhabitant, for which he cites examples from a Saxon translation of the scriptures. This meaning is of frequent occurrence in the Saxon chronicle, 616, it is said by Militus, bishop of London, that the *burgesses* (inhabitants) had become heathens. There is mention that the year after the Danes fought with the Saxons near Chichester, the *burgesses* put them to the flight. In 896 the Danes having fortified their fleet, near the mouth of the river Dee, a great part of the *burgesses* endeavoured to destroy their fortifications, and in the same year the *burgesses* destroyed the ships of the Danes. In 944 they again came to Londoh, having 94 ships, and fought against it, and endeavoured to burn it with fire, but suffered more loss and damage than they thought any of the *burgesses* could have effected. In 1012, when the brave and truly patriotic archbishop of Canterbury was inhumanely murdered by the Danes, because he would not give them the people's money, it is said the *burgesses* bore away the body in the morning, and took it to London. In 1103 they arrived at Oxford, and the *burgesses* of the borough immediately surrendered, and gave hostages. When Canute invaded Mercia, 1017, the soldiers refused to assist Edmund, but the *burgesses* of the borough of London come to his help. From all these, and many more examples which we might refer to, it is very plain that the free ratable inhabitants of these boroughs are the persons referred to. The Saxon chronicle, therefore, in common with all writings

coeval with it, and posterior to it, supply no mention, direct or indirect, of any municipal corporation using that word in its ordinary legal import. There is repeated mention of Nottingham and other Saxon boroughs, but there is not the slightest allusion in any of these instances to any grant of incorporation, or to any *select* portion of the inhabitants, who are always described by the one general appellation of burgh-ware, borough inhabitants, burghmen, burgh-folk, and the reeve or bailiff acted as a king's officer, the same as a sheriff in a county.

The privileges enjoyed were exemption from control of the sheriff of the county, the jurisdictions civil and criminal, toll, common land, &c. &c. &c. Such were the burgesses in the time of the Saxons.

Whoever consults Domesday Book will see that William the Conqueror did not alter the institutions of the country to the *extent* some people have imagined, for in fact the provisions and spirit of the Saxon system of policy still continued to prevail. The king's peace was to be preserved, the freemen were to be sworn to their allegiance, the payment of scot and lot are mentioned, and the watch and ward in boroughs enforced—the provisions for selling before witnesses are repeated, and all bondmen who should be unclaimed for a year and a day, in any borough, should be free, as in the time of the Saxons.

Boroughs and burgesses are frequently mentioned, and the characteristic of a borough was separate jurisdiction, &c. There are entries in Domesday Book in almost every county which establish the fact that burgess-ship did not depend upon *tenure*, which some have supposed, because many burgesses are described as belonging to other manors. If tenure had been the basis of their right, they would have belonged altogether to the manors; and not be burgesses of the borough, because they did not hold of them. But if *residence* made them burgesses, then the entries are explained, reconcilably with the facts, for they would in respect of their *resiancy* be burgesses in the place of their residence, but would be entered under the manors of which their lands were held.

There are also numerous instances in which burgesses are clearly connected with their houses, and being expressly described as inhabited, it is impossible not to infer that they were householders; they paid the custom of *gable* for their houses, and other taxes. In the entry of Canterbury, 14 burgesses are mentioned instead of their houses; and in Thetford and Norwich, as well as Nottingham, their identity cannot be mistaken.

Still it is very evident all householders were not burgesses; peers, ecclesiastics, minors, females, villains and persons of infamous character, were exempt from the duties of burgess-ship, many houses are therefore mentioned in the return which had not burgesses; those only who bore their share of the public burdens of the place, or in the phraseology of the times, paid scot and bore lot, were entitled to the privileges and honours of being burgesses; those, who from poverty and other causes, did not pay the charges, or serve the public offices of the borough, being excluded.

It would have been inconsistent with the whole system of the law at that time, if *non-residents* could have been burgesses, therefore throughout Domesday Book the burgesses are spoken of as residents; inhabitants are only once mentioned in the return of Hertford, "*Liberi homines*", or *freemen*, residing in other parts of the country and not in a borough, are frequently spoken of; those entered in Suffolk amounting to 10,000; in Ipswich the householders are expressly called burgesses, while other persons dwelling out of the borough are called freemen. And it appears that the burgesses might renounce the borough, and by residing elsewhere, cease to be burgesses. Another point is established by this record, that castles, generally speaking, were not within the bounds of the boroughs, which accounted for that being *extra parochial* in Nottingham.

With regard to the privileges of burgesses, they were the persons called upon to discharge all public duties, and were the objects of bounty of the crown. After a most careful investigation of this invaluable record, no trace can be found of any municipal corporation existing in this or any other borough when Domesday Book was compiled. And with respect to some particular boroughs, this survey is expressly to the point, so likewise the general conclusion from the whole is, that in all the boroughs, the burgesses were the inhabitant householders.

By William II. no municipal grants were made. Henry I. ordained fresh codes of laws, but they differed from the former merely in form, and in slight variation of language. They are framed in the same spirit of liberty and equal justice which characterized all our earliest institutions; every charter in that reign makes the same distinction between villains and freemen, burgesses and foreigners, and the privileges granted are of a local character, conferring local rights on burgesses residing within the limits of a borough. Henry II. who granted a charter to this borough, (which we shall give in its time) little more than confirms customs which had long before obtained among the inhabitant householders, or burgesses resident in the borough. Freemen by

birth was intended to keep up and increase the number of free inhabitants, the same may be said of freedom by marriage, service, and residence.

Richard I. granted few charters, but they were in spirit and kind the same as those of former reigns. The same may be said of all the numerous grants of king John. Down to this time the burgesses were the inhabitant householders, neither were there such things as *municipal corporations* in existence at that period.

The importance of this fact may not strike the general reader without some interpretation. Great abuse has arisen in corporations from the assumed power of admitting into their body whom they thought fit, by which means a large number of freemen were made honorary burgesses, who directly or indirectly, have controlled or neutralised the rights of the inhabitants.

The only pretence on which the burgesses of a borough could exercise the power of admitting any person to a participation of their liberties, was founded upon the fact of his intending to come and actually reside among them, the person's fitness, or otherwise, was decided by their arbitrary will.

The *select* bodies of the burgesses, called corporations, afterward claimed the *sole* right of admitting burgesses to their freedom, and of rejecting whom they would. From those small beginnings has arisen that giant monster of corruption in many corporations which has insiduously deprived all the householders as such, who were the ancient burgesses, of their borough privileges.

1297. Burgesses first sat in Parliament in 26th of Edward I. by virtue of writs, when two burgesses were to be returned from each borough. But who were to return the two burgesses to Parliament in 1297? Not corporators, but the inhabitant householders, who had been presented, pledged, sworn, and enrolled, and this was the case with all boroughs at that time.

Notwithstanding the right of election for members to serve in Parliament has been settled by the reform bill, yet it will be interesting as an historical fact to place on record those who used to exercise the elective franchise in boroughs, and is also one way of showing who were burgesses and who were not, in those early times.

1283. Twelfth Edward III. The term *successors* is used in a charter to Nottingham, The citizens of London, to whom a similar charter had been given by the same monarch, are described by him as those who were born and heritable in the same city by descent of inheritance, or who were resiants, and taxable to scot and lot. These were entrusted with the elective franchise. A statute of Henry V. distinctly defines who the burgesses then were

throughout the kingdom. For this act requires the knights of the shires, as well as their electors, to be resident in their respective counties; also the representatives and electors of boroughs to be *resident*, dwelling and free in their borough. 1439, the 18th of Henry VI., the first charter of incorporation to a municipal body was granted to Kingstone-upon-Hull, and a similar charter of incorporation was granted shortly afterwards, by the same sovereign, to Nottingham. But it was not till 27 years afterwards, 6th of Edward IV., 1466, that the doctrine was laid down that the existence of corporations might be inferred from the nature of the grant.

The increasing importance of the House of Commons in the reign of Henry VI., continuing through those of Edward IV., Richard III., and Henry VIII. The necessities of the crown after the Reformation making the king dependant upon the *supplies*, the great authority of the state became invested in the House of Commons, consequently the king became desirous of obtaining an ascendancy in that assembly; and the courtiers vied in procuring influence amongst its members. On these grounds many efforts were made to control the elections. Letters were written recommending the electors to receive particular candidates, which in some cases were successful, and in others failed.

In the reign of Henry IV. it appears, from Paston letters, that upon a doubt being entertained, whether a particular candidate would succeed upon such a letter, it was suggested, in case of his failure, that there are many *decayed* boroughs in England which ought to return members to Parliament, *but did not*; for one of those he might be returned.

Upon this suggestion Henry VIII acted to some extent, but queen Mary and queen Elizabeth, to a much greater, in consequence of which the House of Commons at last interfered, and stayed the power of the crown in this respect, by inquiring into grounds upon which some of these places returned their members to Parliament, and it is remarkable that the last instance of this sort was in the case of the loyal town of Newark, in this county, since which no borough has been either created or restored by the crown.

This check being given to the interference of royal authority in the House of Commons, by the creation of new boroughs, &c. &c., the only course which now remained was to obtain an ascendancy in those already existing. The most secure mode of doing this seemed to be by placing under charters of incorporation the principal power in the *select bodies*, under the claim of *prescription*; and in the recitals of charters granted by queen Elizabeth, it was stated, without any support from fact, that

they had been incorporated from time immemorial, and had enjoyed many privileges by prescription. Of the *boroughs* and the *burgesses* it might be truly said, they had existed from time immemorial, but when applied to municipal corporations was unsupported by fact.

Queen Elizabeth being a protestant, ascended the throne with a strong national feeling in her favour, so that any interference in the electing of members to serve in Parliament was unnecessary on the part of the crown; but so precarious is popularity, that the best of human beings rarely enjoys it long, an example of which we see in this illustrious queen. In the fifth year of her reign, the necessity of a supply led to the calling of another Parliament, and distrusting her popularity, summoned Tregony, St. Germain's, St. Mawes, Minehead, Tamworth, and Stockbridge, six additional boroughs to return two burgesses each to Parliament, none of them having done so before of a long interval, and a greater portion not at all. This occasioned a smart debate in the Parliament, but the members were allowed to sit. That which is important with respect to the subject before us is, to whom were these writs addressed in these new enfranchised boroughs? which, in fact, is the same question, as who were then regarded in the eye of the law as burgesses. In all these places the right of election was vested in the householders, paying scot and lot, except in Tamworth, where it was vested in the select body, but was subsequently negatived, and extended to every resident householder. In Mine head the burgesses were determined to be the *parishioners*—the right of every man who could boil a pot was acknowledged as a burgess.

The first record we have of non-resident burgesses being allowed to poll in boroughs, was in East Retford, in the 18th of queen Elizabeth. There also afterwards the franchise was narrowed by conferring the right of burgess-ship to the *eldest son*, though before that time the privilege had been equally enjoyed by all the sons of a burgess; both these innovations, however, were negatived shortly afterwards.

In the year 1689, the year after the Revolution 1st of William and Mary, the innovation of non-resident burgesses that had been attempted at East Retford, was in principle admitted into all the boroughs, and consequently into Nottingham. Gentlemen, farmers, and others, residing in the country, were made free, for the purposes of election, though they did not pay scot and bare lot, or bear any expenses of the borough, which was contrary to usage, and every principle of the constitution, and was restored to the inhabitant householders, five years afterward, in 1794.

The unconstitutional influence of the crown over at least some of the boroughs, appears to have been *absolute*, as will be seen in the case of Colchester. The common council of that corporation passed a resolution, that Sir Francis Walsingham should have the *nomination* of their burgesses to serve in Parliament.

Let it not be lost sight of that this strange resolution was made by the *common council*, who had usurped the privileges of the *community*; in many other respects the rights of the burgesses of this place were left untouched, and their class is pointed out by the clearest definition in the constitution of the borough; they are described as *householders* dwelling in the borough, sworn to the king, paying scot and bearing lot, excepting amongst others, children, not being householders—persons who had been convicted of offences, and those receiving or asking relief, a description and exception in every respect conformable to the common law.

Burgh-holders were first held to be burgesses in Richmond, and not inhabitants paying scot and lot; hence resulted that confusion of usages, through which nothing could be more uncertain as to who were burgesses, but according to their ancient history nothing could be more plain.

A case was tried in 23rd James I, which gave a check to those abuses, a committee in the House of Commons revived as far as in them lay the pure municipal constitution, by and in effect declaring, that of common right the burgesses were the inhabitant householders paying scot and lot; and by parliamentary decision, it was resolved, that no bye law of any corporation could vary or control the right of election, and that the king's charter was equally inoperative for that purpose. Thus would the constitution have been practically restored had this wise determination been generally acted upon, but unfortunately the troubles and dissensions of the succeeding reign drove the great men and legislators, who concurred in this decision, from their own course of legal and practical reform, to violent acts of party faction, which produced an opposition to their measures, even when correct. The interference in the reign of Elizabeth and James, by charters of the crown, the decisions of courts and *acquiescence* of the people, had merged all the borough privileges and jurisdictions in the general notion of corporations, and as by those means all their rights were brought under the control of the crown, so a subsequent attack was made comparatively easy.

On the restoration a statute for the correction of the corporations afforded ready means for that attack which had been



threatened, and a framed pretext for every species of usurpation ; extensive use was made of the opportunity, and officers of the corporations were displaced ; ministers of the crown, officers of state, and non-residents were substituted ; and from the proceedings upon this statute, it was obvious that no corporation had any chance of continuing its existence, but by a submissive compliance with the wishes of the king. James II acted upon these documents, and fully pursued the plan of his brother, to bring the corporations under his control, and therefore in grants of charters in his reign, in place of those surrendered, introduced, as Charles II had done, clauses giving the whole power to *select bodies*.

That was the great object of all the surrenders that were called for, and when these acts were felt by the country as the great grievance of his reign, the last effort to restore himself, if possible, to the good will of the nation, was the issuing of his celebrated proclamation for the *restoration* of the corporations, annulling all the surrenders which had been made, and reviving the *ancient* charters.

Under these circumstances it might have been expected that William III, ascending the throne to correct, as it was supposed, the violent and unconstitutional acts of his predecessors, would have done all in his power to obviate these abuses ; but the fact is upon record, that some of his warmest supporters were the first to revive and insist upon the rights of *select bodies*, and more was done during this reign to confirm the usurpation of corporations, to promote the extensive powers of common councils, and the interference of *non-residents*, than in any other period of our history.

During the reigns of queen Anne, George I. II. III. and IV, the abuses were fully maintained ; select bodies, common councils, their bye laws, and non-residents were supported. Freemen were *substituted* for burgesses, and continued so long, that not only were the ancient burgesses deprived of every borough privilege, but till the late municipal reform, had lost even the *name*, and that restores the ancient burgesses *only* in name ; until then the select body, had it in their power to admit the ancient burgesses to the enjoyment of their privileges, to which they, as the inhabitants of the borough, and paying scot and lot, had an equitable claim.

In Domesday, and for centuries afterward (a) as we have seen, they were the *burgesses*, who had divers houses, lands, and pos-

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(a) Stevens and Merriweather's Hist. Corpor. Int. p. 67.

sessions, with the privilege of fishing in the water of Trent, &c. and not freemen who might reside in a borough or out. And what have the ancient burgesses now? Can any man, pretending to equity, say that there is any charter or Act of Parliament, not excepting the last corporation act, which directly and expressly removes the rights and privileges of the inhabitant householders? we feel persuaded there is not, and nothing but their apathetic indifference can prevent their restitution.

Strange as it may appear, and certainly it is not a little remarkable that the *first* judicial decision sanctioning the arbitrary power of any corporation to admit non-resident freemen to be made burgesses, was in the case of Nottingham, viz. the King and Bird, 51st of George III, 1811.

A prescriptive right in the oldest and youngest sons of every burgess born in Nottingham, the latter having served a seven years' apprenticeship to any trade; and in every other person having served a seven years' apprenticeship in Nottingham, to any burgess of the town, on attaining 21 years of age, was holden not to exclude the incidental power arising by implication of law to the corporation at large to *secure* their *perpetual* succession by voluntary election of burgesses, *ad libitum*; and this, though it was averred that Nottingham had always been, and yet is, a populous town, containing numerous resident and trading burgesses, and that by the prescriptive modes of supplying by birth and servitude, the succession of a sufficient and large number of burgesses is fully secured; for *non constat*, that these sources had at all times been sufficient during the existence of the corporation, without occasional supplies of burgesses by elections; or even that they were so at the time of the defendants. And they could not have operated at all for some years after the creation of the corporation, and therefore no presumption can be made from thence, that the crown meant to exclude the incidental power of the corporation to make voluntary elections of burgesses, in aid of such prescriptive mode of supply.

It was also directed, that whether the power of making such voluntary elections be incidental to the corporation at large, or exist in them by prescription, it is competent for them to delegate it to a select part of themselves.

But they cannot delegate such power to any *stranger*; and the *recorder* of the town must be taken to be such, if he be not stated to be a burgess.

Also, as such a select body is the creature of the corporation, its constitution and mode of acting may, it seems, be modelled (consisting primarily of the mayor and burgesses, who were directed

by charter to elect aldermen from among themselves,) transferred the right of electing burgesses to a *select body*, consisting of the mayor and aldermen, of whom the major part must attend; eighteen livery or clothing burgesses, of whom nine were sufficient to attend; together with the recorder, if a burgess, and choosing to attend; and six of the burgesses at large if they choose to attend; but the select body might proceed without either the six burgesses or the recorder, if they did not attend: held that this was a reasonable and valid bye-law.

For this decision there appears to have been no previous authority; and none was attempted to be cited by the learned council who argued it, but one which was the case of the corporation of Lancaster, in the eighth of Charles I, and which clearly did not apply to the subject in discussion; for that case only decided that if the king creates a corporation of a mayor and eight aldermen providing that upon the death, or amotion of any alderman, it should be lawful for the mayor and aldermen, within the next eight days to elect another; though there should be no election within the eight days, yet they might elect an alderman at any time afterwards; for they have a power to elect another, as incident to a corporation; but anciently corporations had no such power given to them; and the affirmative power does not tell the implied power incident to the corporation.

The principle upon which that case is decided is obvious, the king having directed that there should be perpetually eight aldermen, and having provided for a re-election upon vacancies, must be intended to have implicitly granted the power of making elections to fill those vacancies, for otherwise his charter could not be carried into effect; and the direction that it should be done within eight days is not inconsistent, though not fulfilled, with the general power to do it afterwards; but where there is no such necessity, that case does not apply. And it was properly urged by the council opposed to this claim of right, that the corporation thereby took upon themselves to add a foreign body of their own electing, in derogation of the influence and interest of the local inhabitants whom the crown meant to favour.

The noble lord who decided that case justly stated at the commencement of his judgment, that if the modes of supplying burgesses appointed by the crown were in fair construction *competent* to keep the body alive in the manner intended, he should not be inclined voluntarily to adopt another method to effectuate that purpose.

The learned judge seems, therefore, to have felt in his own mind that this was in effect making a *new charter* for the borough,

or at least *adding* to the one that already existed, neither of which could be done by any but the king.

The court, however, justified it upon the plea of *necessity*, but such an act could not be justified even upon that ground; however, if the principle was allowed, it would in this case be answered by showing that no such necessity existed.

The charter of Henry VI. being in truth an incorporation of all the *inhabitants* of free condition, by birth or servitude, or otherwise, there could be no deficiency in the burgesses as long as there were any inhabitants in the place; and as soon as there ceased to be any inhabitants there, the franchise granted should cease also, as has been instanced in the cases of Gattton and Sarum.

The assumed necessity, therefore, could never exist, and the practise of election was, as stated by the learned judge, "a usage of modern date," as not to influence the decision of the court, (which was 200 years.) The learned judge also accurately stated, quoting from Rolle's Abridgment, that "ancient charters had not any such clauses giving a power to elect," which is easily explained by the general law having provided for the natural succession of the inhabitants through the presentments by the jury at the Court Leet.

But the learned judge appears to have assumed, as admitted in the argument, that which at least is not apparent upon the face of the report, that when no mode was provided for continuing the succession, a corporation had a right of necessity to make burgesses by election; but for the reason given before, both the principle and the fact should be denied. It was also too readily assumed, that there was no provision affording a sufficient supply of burgesses, because they would always be found as long as the franchise ought to continue; and the case was decided upon the technical grounds that the replication did not state as a fact, that the sources of birth and servitude were competent to produce a sufficient supply at all times.

It is also assumed, contrary to the principles of the common law, that there was no mode of compelling persons to come in and be admitted; but the law was too wise, and too strong to be so helpless, because by the rule of the *Court Leet* every *resiant of free condition* was by law *compellable* to be *sworn*, *admitted* and *enrolled*; and the dissolution of the corporation, therefore, was not to be apprehended as long as it could be kept alive for any useful purpose.

But this suggested inconvenience of a want of power to compel the parties to take upon themselves the new character, would apply to those who were voluntarily elected, and therefore the

new principle was a bad substitute, for the more effectual rules of the ancient law.

In fact the decision proceeded altogether upon a disregard of the real history of municipal bodies, and therefore it is not surprising that a new position of a general incidental right of election should have been inconsiderately adopted, and the case from over looking the simple principles of the common law, should have been involved in the intricacies with which it is surrounded. Nor should the remarks upon this case be closed without observing, that the supposed rights, by birth and servitude, were attributed to prescription, which pre-supposes a charter to that effect; but no charter referring to such rights, is any where to be discovered; on the contrary, they can be referred to the common law, and be reconciled with it. It is, therefore, one of those instances in which the dark and uncertain doctrine of prescription has been resorted to where there is a plainer and more direct ground upon which the right could be supported. (a)

So rapidly have the number of freemen decreased (b) since the late Municipal Reform Bill came into operation, that a restitution to the ancient burgesses of their rights is an act of justice which cannot long be delayed.

The abuses arose in the reign of queen Elizabeth, increased in James the I, Charles I, and were carried to the greatest extent in Charles II, and James II; were confirmed by William III, and queen Anne; connived at by George I, II, III, and IV, and the last hope of advantage destroyed by one clause of the Reform Act, in the reign of William IV.

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(a) Stevens and Merrewether's Hist. Cor. Muni., vol. iii, p. 219. (b) We state on the authority of a gentleman of this town, that under the old system the number of new made burgesses was forty-five per cent. ; it has been as high as seventy per cent, making an average of fifty-seven and half per cent., while under the new system it has only reached about seven percent, leaving a decrease in the number of burgesses since the passing of the Corporation Reform Bill, so that it is plain, without some alteration in the Act, the privileged burgesses, as a body, must become extinct in a very short period.

## CHAPTER IX.

The Anglo-Saxon language was a dialect of the ancient Gothic, which once prevailed over the greater part of Europe, but was quite different from the Celtic or British. The countries in which it prevailed were England, France, Holland, Germany, Denmark, Normandy, &c.

That the language of France and England were the same so lately as the ninth century is admitted by all who have enquired into this interesting subject, and which the following short quotation will prove, borrowed from the learned Verstigan, and is extracted from Alfred's Introduction to his Rhyming translation of the gospel, made about A. D. 850, into the French of that age.

“ Nu will Ih scriben unto heil,  
 Evangeliono diel  
 So is nu, hiar begunun  
 In Frenkisga tungun.

## ENGLISH.

Now will I write our health, (salvation)  
 Of the gospel deal, (or part)  
 So is it now here begun,  
 In the French tongue.

We shall content ourselves with only two other examples of Anglo-Saxon language, as it was written about A. D. 700, one is the Lord's prayer, which any English reader may translate himself;—

Fader uren thu arth in heofnum sie gehalgud noma thin; to cymeth ric thin; sie willo thin suæls in heofne and in eortho; hlaf usenne ofer wistlic sel us to-dæg, and forgef us scylda usna suæ uæ forgefon scyldgum usum; and ne inlæd usih in costunge uh gefrig usich from yfle.

The following is the first verse of a ballad composed by Canute the Great, 1017, and the only verse of all his ballads now remaining.

Merie sungen the muneches binnen Ely,  
 Tha Cnut Ching reu there by ;  
 Roweth, cnihtes, nær the land,  
 And here we thes muneches soeng. (a)

THAT IS ;—

Merrily sung the monks within Ely,  
 When Canute king rowed thereby,—  
 Row, my knights, row near the land,  
 And hear we these monks' song.

We shall postpone our remarks both on Saxon and Roman architecture till we descend to the reign of Richard III, at which period we shall give the description and history of St Mary's church, and the churches of St. Peter and St. Nicholas. The present chapter will be concluded with a few very general and hasty remarks on the ecclesiastical history in which Nottingham, in common with other ancient cities participated, from the Roman dominancy to the Norman conquest, though the particulars are lost. Notwithstanding that pagan Rome exercised sovereignty over this country when our Saviour was born, yet we have repeated and unequivocal testimony that christianity was introduced at a very early period, and perhaps by the preaching of the Apostle Paul ; (b) certainly there are strong probabilities in favour of such been the fact.

It is pleasing to recollect that our country was so early favoured with the light of truth, and that like the lunar orb it has reflected its borrowed rays over a benighted world. How exceedingly simple, spiritual, and impressive was the appearance christianity assumed at the time of which we are speaking, when it first brought the tidings of salvation to our land. Its ministers unaided, unhonoured and unrecognised, by the authorities of the state, were hated and opposed, the objects of cruel and re-

(a) These poetical compositions of the Anglo-Saxons strongly resemble the Runic Odes, so admirably imitated by Gray ; they are generally more or less marked by alliteration, by a mixture of regular and irregular cadence, by abrupt transitions, by a frequent omission of the particle, and by an artificial inversion of words and phrases ; at a late period, and in a few instances we have an approach to rhyme. See the Rev. John Josias Conybeare's *Illustrations of Anglo-Saxon Poetry*, 8vo. London, 1826,

(b) Abp. Usher's *Br. Eccl. Antiqui*, p 3. S. Clemens, *Ad Cor. inter S S. Patres*, Apost. Coieter. Lut. Par, 1672, p 94: Hieron. *Catal. Scupt. Eccl. Opp. tom. i col. 349. Theodor, Serme. 9.de Legib. Opp. tom. II. p 610*

lentless persecution, pressed with necessity and want, in prosecuting the objects of their benevolent mission, resigned themselves to every possible hardship. Pagan Rome set herself in all her exasperated fury against the ministers and members of the church. They had trial of cruel mockings and scourgings, yea, moreover, of bonds and imprisonments; they were stoned, they were sawn asunder, were tempted, were slain with the sword, they wandered about in sheep skins and goat skins, being destitute, afflicted, tormented. But the blood of the martyrs was the seed of the church—the more it was oppressed, the more it prospered and grew. This may be inferred from Tertullion, a Presbyter of Africa, that the fame of the British church had spread so early as the second century to those countries of the remote east; in a book written by him in A. D. 209, declares that even those parts of Britain into which the Roman armies had never penetrated were become subject to Christ.<sup>(a)</sup> There is therefore little reason to doubt that, in this very early period, christianity had established itself in Nottingham; though the records of those times are lost, for Gildas, the most ancient of our historians, informs us, that he could find no British records of either its civil or ecclesiastical affairs during the long time it was subject to the Romans, and that if ever such records did exist either they were destroyed by their enemies, or carried into foreign countries by the exiled Britons.

We learn from the account given us by Bede of the martyrdom of St. Alban, who had served seven years in the army of Dioclesian the emperor, <sup>(b)</sup> that the clergy in those days wore a hairy cassock, like the rough garments worn by the Hebrew prophets, and girt about them with a leathern girdle. In some cases they laboured with their hands to obtain a maintenance, but chiefly depended on the contributions of their friends for support. In these primitive times, when a sufficient number of persons had been converted, they were formed into a christian church, every member of which contributed as he had ability to the support of the minister, and the necessities of the poor, &c.; commonly these contributions were made on the first day of the week. As the members of the church increased, many did not content themselves with giving their money only, but bestowed houses and lands on the churches. Some built churches and endowed them, and in such cases very naturally claimed the right of appointing the minister.<sup>(c)</sup> The usual way however was, in the

(a) Tertul. contras Judeas, chap. vii. (b) See Bede, Book I, chap. vii. (c) Dr. Henery's History Book I cap. ii,



early periods of christian history, for the assembly to choose their own members and officers, and every church was governed by its own laws, independent of foreign control. Whoever acknowledged Christ as the Saviour of mankind, and made a solemn profession of faith in him, was immediately baptized and received into the church. One bishop presided over each church or assembly, to which he had been elected by the voice of the people, (a) The question of monachism or celibacy of the clergy had not yet been introduced into the British churches, nor indeed were they for ages afterwards.

The ecclesiastical structures employed by the Britons were of wicker-work, the first said to have been erected in this country, was at Glastonbury, and the size of it, and others erected about this time, was sixty feet long by twenty-six wide, and would contain about five hundred people.

Public worship was conducted among the primitive christians with simplicity ; reading the scriptures formed a chief part of their services, and one of the lessons was expounded by the bishop, who applied the doctrines of it to the conditions of the people, (b) exhorting them to the exercise of faith in Christ, and hope of glory ; also to a continuance in the practice of every virtue ; these services generally closed with the Lord's supper.

Tertullian describing the mode of public worship among the christians of the second century, says, in our public assemblies the scriptures are read, psalms are sung, sermons are preached, prayers are presented. (c) Their sermons were generally an hour long ; sometimes laymen preached, wheresoever any were found fit among the brethren, the holy bishops of their own accord asked them to preach to the people. (d) Prayer, embracing the interests of all the churches and of mankind, was offered after the sermon to the congregation was ended ; they all rose up, and offered their prayers to God, standing being the usual posture of prayer, especially on the Lord's day. Tertullian writes on this point,—we esteem fasting unlawful, or to worship *kneeling* on the Lord's day, in which privilege we rejoice even at the Passover and the Pentecost. (e) Their reason for this judgment was the complete redemption by Christ Jesus, requiring them to rejoice in God as their covenant Father ; they usually turned towards the east in prayer, assigning for a reason, as the sun that rises in

(a) Mosheim's Eccl. History, vol. I, p 99. (b) Dr. Southey's Book of the Church, vol. I, chap ii, p 13. (c) De Anima, chap. iii, 530. (d) Eusebius, Book VI chap. 19. (e) De Corona Militis, p 340.

the east penetrates through the world, with its warm and enlivening rays, so Christ the Sun of righteousness would arise with more warmth of light and pierce further than the material sun, even into the depth of men's hearts and minds. They had no fixed forms of prayer beside the Lord's prayer. Liturgies originated after the patronage of christianity by Constantine the Great. (a) Baptism was administered to adults on their profession of faith, and to their infant children, if they had any, by immersion, by pouring, and by sprinkling.

Persecution in these early times, often like a tempest, came howling about the church, but in the *tenth* general persecution at the close of the third century, under the emperor Dioclesian, many were the martyrs of Christ in that season of trial, though we cannot have a perfect knowledge of the facts, their names are written in heaven, who shed their blood rather than deny him who had redeemed them.

A. D. 313, Constantine the Great professed himself a christian, and multitudes followed the imperial example, and now the christian church had both wealth and honours poured upon it, but as yet, the churches in Britain were unrestrained by any foreign control; ceremonies were now introduced into their worship, and pilgrimages were brought on by degrees. Rome, Jerusalem, and even Syria were visited by pilgrims to see the famous self-tormentor Simeon Stylites, who lived fifty-six years on the top of a high pillar. Many people went to see him, says Theodoret, his historian, from the remotest corners of the earth, particularly from Spain, Gaul, and Britain. (b) Sacred relics of apostles and martyrs were now introduced, and public places of worship were called after their names. Fabulous accounts of miracles being performed were propagated; monasteries were erected, while many were pretending to particular sanctity,—gluttony, drunkenness, avarice, and luxury reigned among the nobles and ecclesiastics, who, in very few instances, preached the *gospel* to their flocks. Such appears to have been the state of the British churches at the time the Romans vacated the island, when the Lord sent upon them the pagan Saxon persecution, A. D. 449. Every possible barbarity was now inflicted upon the christians, who could only worship in dens and caves of the earth, all christian temples being demolished. The Saxons worshipped the sun on the first day of the week, from thence we have our Sunday; a statue of this idol was

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(a) Constitution of the Primitive Church, Part II, chap. ii, also Bingham's Antiquities Book, IV, chap. v, sect. iii. (b) Dr. Henry's History of Great Britain, Book I.

a half naked man with his face resembling the sun, and holding on his breast, with both hands, a burning wheel. The second day was worshipped the moon, the statue of which was a female, habited in a short coat like a man ; holding a *moon* is a sufficient distinction, but the reason of the short coat and long eared cap on the idol is not now known. Tuisco, the most ancient and peculiar of the German deities, is thought to be the grandson of Japheth, (son of Noah,) and to have peopled the north of Europe; this idol is represented wearing a garment of skin, Thursday was dedicated to his worship, *Tuis-day*. Woden was the god of battles and victory, and whoever considers the history of this deity, his five wounds, &c. &c. will at once perceive it must have had its foundation in one of the ancient prophecies of Christ, hence our Wednesday.

*Thor* is reckoned the oldest and bravest of the sons of Woden, and Frea, or Friga his wife, he was the god of thunder, and worshipped on the fifth day. Friga or Frea, the Venus of the Saxons; this idol held a drawn sword in her right hand, and a bow in her left, her day of worship was *Fri-deay*, Friday. Seater was worshipped on the seventh day, this idol was represented standing on the prickly back of a fish, having his visage, hair, and beard long, bareheaded and barefooted, carrying in his right hand a pail of water, in which are fruits and flowers, and in his left hand holding up a wheel, his coat being fastened round him by a long girdle. His standing on a fish signified to the Saxons that by worshipping him, they should pass through all dangers unhurt. His girdle flying both ways, represented freedom; and the pail denoted his care to nourish the earth. From this idol being worshipped on the seventh day, we have our Saturday. The names of the days of our week should remind our young readers that we are descended from ancestors that were pagans, who sacrificed human beings by hundreds at a time, than which nothing ever exceeded the foul and sanguinary abominations of Saxon idolaters, and was carried on in this country A. D. 449, from the time of their becoming masters of Britain, till about 600, which is 151 years.

Though persecuted, the christians still continued in great numbers scattered throughout the island, and when Ethelbert married Bertha, a christian princess, daughter of Cherebert, king of Paris, the christians were connived at in Kent; Penda king of Mercia having married Alfedra, daughter of Oswy, king of Northumbria, who also was a christian princess; christianity soon became prevalent in Mercia, and the whole kingdom.

## BOOK VII.

## CHAPTER I.

William the Conqueror, whose anger Nottingham was destined to feel, and before him to fall, was the natural son of Robert, duke of Normandy, the younger brother of duke Richard III, and son of duke Richard II, who was brother to queen Emma, the mother of king Edward and of the murdered Alfred, by Ethelred, as also of the preceding kings Harold and Hardicanute, by her second husband Canute the Great, on the mother's side William's descent was sufficiently obscure. One day as duke Robert was returning from the chase, he came up with a fair girl, who, with her companions, was washing clothes in a brook. Struck with her surpassing beauty, he sent one of his most discreet knights to make proposals to her family; such a mode of proceeding is startling enough in our day, but in that age of barbarism, and the license of power, the wonder is he did not seize the lowly maiden by force, without treaty or negotiation. The father of the girl, who was a tanner, of the town of Falaise, at first received the proposals of duke Robert's love ambassador with indignation, but after consulting one of his brothers, a hermit in a neighbouring forest, and a man of high reputation for his piety, who gave it as his opinion, that we ought in all things to conform to the will of the powerful man. The name of the maid of Falaise was Arlete, Herlotta or Herleva, for she is indiscriminately called by these appellations, which all seem to come from the old Norman or Danish compound, Herleva, "*the much loved*," the same as our modern word *Charlotte*.

Duke Robert continued to love her dearly, and he brought up the boy William he had by her, with as much care and honour as if he had been the son of a lawful spouse. When William was only seven years of age, his father, duke Robert, resolved going on pilgrimage to Jerusalem, to obtain remission of his sins; and when his chiefs endeavoured to dissuade him from it, he answered

"by my faith sirs, I will not leave you without a seigneur: I have a little bastard who will grow big if it please God! Choose him from this moment, and before you all I will put him in possession of the Duchy as my successor," The Normans did as duke Robert proposed, and according to the feudal practise, they one by one placed their hands between his hands, and swore fidelity to the child. Duke Robert had a presentment that he should not return, and he never did, but died as he was returning, about a year after he left home. A. D. 1034.

As the boy William advanced in years he showed an indomitable spirit, and a wonderful aptitude in learning those knightly and warlike exercises which then constituted the primary part of education. This endeared him to his partizans, and the important day on which he first put on armour, and mounted his battle steed without the aid of the stirrup, was held as a festal day in Normandy. His disposition was proud, haughty, pitiless, and revengeful. He was very delicate on the subject of illegitimacy, but in after life, when he had imposed respect or dread of himself upon the world, his pride, scorning the distinction between legitimacy and illegitimacy, put to several of his charters, "We, William the Bastard." One day when he was besieging the town of Alencon, the besieged took it into their heads to cry out from the top of the walls, "The hide, the hide, have at the hide," and to shake and beat pieces of tanned leather, in allusion to the humble calling of William's maternal grandfather, but as soon as the duke was informed of it, he caused the feet and hands of all the prisoners to be cut off, and then thrown by his slingers within the walls of the town; such was the sanguinary nature of the man, who in a short period from this time poured out the vials of his fury on Nottingham.

On the 28th September, 1066, William landed his troops and military stores he had brought with him in 6000 ships, at Bulverhithe, between Pevensay and Hastings, near which place he traced a fortified camp. On the 14th of October the English gave him battle, and never fought with more noble and determined bravery, but their king and captain—the gallant and beloved Harold, who never had been conquered till then, was slain.

Lay his sword on the sable pall,  
And watch when the night is dim;  
Oh! how many burning tears will fall,  
From the eyes that weep for him!  
He shall greet our home no more,  
On his bright steed from the hill;

For the glorious light of his noon is o'er,  
And his warrior heart is still.  
Lay him deep in the tomb for aye,  
While the sacred strain is sung,  
And, beneath the stars the flambeau's ray,  
O'er the abbey walls is flung,  
Lay him deep in the sunless tomb ;  
How holy his sleep shall be ;  
And oft shall the purple violet bloom,  
On the turf plac'd there by thee.

But the work of the Normans was not done, William dared not proceed to London, but kept close to the sea coast, massacring the inhabitants of Romney and Dover, burning houses wherever he went. From Dover he proceeded through Kent, and afterward to London, but here he was repulsed, and having set fire to Southwark, marched through Surrey, Sussex, Hampshire and Berkshire, burning and destroying every thing in his way, even women and children found no mercy at his hands.

This done he proceeded across Buckinghamshire into Hertfordshire, leaving a wilderness behind. The inhabitants of Northumbria and Mercia prepared to resist the conqueror, having the great earls Edwin and Morcar with them, but Edgar Athelins, a son of king Edward, surnamed Ironside, was at their head, who had been proclaimed their king. London and Winchester soon after fell into the hands of the conqueror, who then caused himself to be crowned king. The English in the north and west had not been touched, and the Normans wished to have the land in these parts also given to them, therefore William, in March 1067, went over into Normandy, hoping the natives in these parts would take advantage of his absence, break out into open rebellion, and in this way furnish him with a pretext for making war upon them, and confiscating their lands.

The war of 1068 may justly be styled William's second campaign in England, and opened in the fertile province of Devonshire. Exeter was the first city that fell under his victorious arms ; during the early spring of this year Devonshire, Somersetshire, and Gloucestershire were subdued by him. He made himself master of Oxford and other fortified cities ; wherever his dominion was established, the mass of the lands were given to his lords and knights, fortresses and castles were erected, governed by Normans and other foreigners, the meanest of whom, thought himself entitled to treat the best Englishman with contempt, and as a slave. William had promised Edwin, earl of Mercia, his

daughter, but after all his services, when he came to ask the reward was treated with contempt; upon which he withdrew from the court, and joined his incensed countrymen in the north, for as yet no foreign soldier had crossed the Humber or Trent. The men of Derby, Leicester, and Nottingham prepared to oppose the usurper. William had knowledge of this, and burning with rage, marched his army from Oxford; he first took Warwick, then Leicester. Then crossing the Trent, which he had not seen till now, fell upon Derby, and laid siege to Nottingham: which, after much bloodshed, he forced to capitulate. But seeing the strength and knowing the importance of the place, caused a strong castle to be erected, (a) on the site of the old tower, which had stood for ages before, and when he marched his army from hence to Lincoln, left a strong garrison here, much more numerous than the castle could contain, of which he made a natural son of his governor, William de Peveril, to whom also he gave 162 lordships in this neighbourhood.

Many Danes residing in Nottingham and the places round, were even more inveterate in their hostility against the Normans than the natives themselves, and after Stamford, Leicester, and Derby, had been subdued by the Conqueror, it is not unlikely the Mercians would, in their struggles to arrest his march, seek the protection and advantage supplied by the strong walls of Nottingham, and if it be true that they did capitulate, it was not till they were reduced to the greatest extremities, and were obliged to submit to the hardest terms, as is evident from the fact, that not a single Saxon lord, or thane, was permitted to retain his patrimonial inheritance in any of these parts; even burgesses were forbidden to inhabit the houses they had in some parts of the borough. a line of separation was drawn from north to south, commencing at Mansfield road, along Clumber street, High street, Bridlesmith gate to Drury hill, &c. west of which no Englishman might pass. Numbers of the Normans located themselves here, and from this time the town was divided into two distinct boroughs, that on the east being the English, and that west of the line the French borough. The most partial laws were promulgated as we shall see, showing that William acted the part of a tyrant rather than conqueror; the burgesses were prohibited from fishing in the

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(a) Altitudes of various places above the Leen bed:—Castle yard, 110 ft., Castle parapet, 171 ft., St. Mary's church steeple parapets 182 ft., Park hill, and Bowling Alley hill, 188 ft., Gallows hill, 166 ft., top of Derby road, 168 ft., Sneinton hill, on foot road to Gedling. 266 ft. Mapperly hills, Bestwood park and Red hill; 340 ft.

water of the Trent, &c. and from William de Peveril afterwards bestowing the tithe of the fish of the fishing of Nottingham on the monks of the Priory of Lenton, it is evident that this was also given him by his father, and the English inhabitants were not only deprived of their property in houses and lands, but the means of a precarious subsistence for them and their starving families, were also taken from them by the remorseless Norman, which compelled many of the disinherited English nobles to become public robbers, having their abodes in the woods.

William de Peveril was a natural son of the Conqueror, and like his father, a bold, determined, and valiant man. Though the confiscated estates of the English given to him were large, 162 manors in all, extending over a great part of the counties of Nottingham and Derby, the castle in this town, which chiefly consisted of a strong tower, was the place of his principal residence, when not engaged in the tumults of war.

When the fortress was completed he turned the course of the Leen to pass by the castle, (see page 13,) the whole of the drudgery of this work was doubtless performed by the subdued English.

A. D. 1080, in the sixteenth year of his reign, William caused an exact survey to be taken of the lands, goods, and chattles of all his subjects in England. This survey contained the number of acres in each man's estate, and the amount of money each paid to the crown, in Saxon times, and how much they had paid to himself since the revolution in 1066. Moreover, it was required that each man should specify in the return, the number and value of his stock in husbandry, &c. the number of his horses, cows, sheep, &c. &c. also how much money he had in his house, what he owed, and what was owing to him; every item was to be set down in the most exact, true, and honest manner, in a book called Domesday Book, that is, the book of the day of judgment, apparently to denote the means by which the English were sifted in that book, as the actions of all will be at the great day. This general register, which we term the *great terror*, or land book of England, was laid up in the Exchequer, or king's treasury, to be consulted upon occasions, and was completed in six years from the commencement, 1086, and has ever since been called Domesday Book.

The following is copied from the return made for Nottingham:—

1. Besides the castle which is not mentioned in Domesday Book, it being a castle royal; William de Peveril had in this town 48 merchant's houses. The rents were 36 shillings; he had 13



houses of knights or horsemen, and 8 for his husbandmen, called borders, but these being for his servants, of course no rent was imposed ; in all at this time the lord of the manor had 57 houses in the borough.

2. Ralph de Burun had 13 houses of knights, but in one of these lived a merchant.

3. Gulbert had four houses, of what kind is not mentioned.

4. Ralph Fitz-Hubert had 11 houses, in three of which merchants, tradesmen, or shopkeepers, resided.

5. Goisfrid de Aseline had 20 houses here.

6. Acadus the Presbyter, had 2 houses.

In the croft of the priest were 65 houses, in these the king had the royalty, called Sac and Soc.

The church of St. Mary, with all things belonging to it, had an annual rent of 100 shillings.

7. Richard Tresle had 4 houses.

8. Hugh, the Sheriff had 13 dwellings in the new borough, which were not there before, putting them in the sense or rate of the old borough.

In the *Fossata*, or ditch of the borough, were 17 houses, in all there were at this time in Nottingham 206 houses, the greater part of which were no doubt belonging to the military, there being only 120 burgesses ; Ralph de Burun before mentioned, was a Norman, and besides his possessions in Nottingham, held eight lordships in the county, and five others in Derbyshire ; of this ancient stock there is yet a noble family remaining, the Buron, or as it is now pronounced, Byron, one member of which was the celebrated poet, lord Byron, of Newstead Abbey, in this county, of whom, as an author, and his ancestors, we shall have more to speak.

Ralph Fitz Hubert was also a Norman captain, to whom William I. gave 49 lordships in England. A son of his accompanied the second William Peveril to fight for king Stephen in his war with the empress Maud. He surprised and took several places, but was at length betrayed, surprised, and taken, and for refusing to deliver the castle of Devizes to Matilda, was hanged like a thief, and the family soon became extinct.

Goisfrid Alselyn, a Norman, to whom the king gave 30 lordships in several counties, but he made Shelford, in this county, the chief seat of his barony.

Of Roger de Bushley, who had three mansions here in the Confessor's time, we now hear nothing. He had, however, many lordships in England at the time of the survey ; his principal residence was at Tickhill Castle, in Yorkshire. This barony became extinct at the death of his son John, who died without male issue,

his daughter and heiress married a very rich Baron, Robert de Vipont, in the reign of king Henry II. who for some time was, in the reign of king John, governor of Nottingham castle.

The quantity of burgess land in the Conqueror's time was six carucates of plow land, 720 acres, and fourteen carucates for pasturage meadow, &c. 1680 acres, making 2400 in the whole, but as in A. D. 1833, the entire liberties of the borough contained no more than 1600 acres, therefore, since the Conqueror's time, 800 acres of burgess property must have been lost. The rent which had been paid to the crown, in the time of Edward, £18, was raised by William to £40; £30 for the land, &c. and £10 for the mint, so that some idea may be formed of the use that was made of Domesday Book by William I.

The king granted to William de Peveril 10 forests, which were equal to 50 statute acres, for a garden; generally admitted to have been east of the park, extending along Park-row, Standard hill, and so down to the Leen, by Broad-marsh and Carrington street, a part of which afterward became the property of the Grey Friars, who had a convent there.

We have no mention of any other prison in Nottingham till the time of king John, than the dungeon which was under the first steps that led up to the paved court, on the east or grand front of the present castle, which was exceedingly strong, and was descended by means of steps. There were many of these places into which prisoners were thrust, and there confined without light or fire, and but little air. One of these dungeons was called by the common people, James Scott's Hole, which, according to tradition, was connected with a subterraneous cavern, that led across the park to Lenton Priory, which would be a mile in length, but no one has ever pretended to find out the terminus there. If such a passage as that spoken of had ever been attempted, it would have been so much lower than the bed of the Leen, that it must have been continually full of water, which is a proof that no such passage ever did exist, except in imagination. It is asserted by the celebrated Camden, who descended one of these dark receptacles of human misery, by the help of a lighted taper, that he saw traced upon the rocky walls, the passion of Christ, and other figures, which were attributed to David, king of Scotland, who was for some time kept a prisoner here; having received a severe sabre wound in his head at the battle of Nevelle's Cross, Durham, October A. D. 1346, fell into the hands of the English, from whom he was ransomed after 11 years captivity, for 100,000 marks. We are informed by a Scottish historian, Sir D. Dalrymple, that William of Lambyrton, bishop of St. Andrew's, and Robert Wishart, were

both of them taken prisoners in the wars of the gallant Bruce, with Edward I. . Wishart was taken in armour, nobly defending the castle of Coupar, and both of these Scottish patriots were confined in one of the dungeons of Nottingham castle, 40 years before the unfortunate king's incarceration, 1306. Lambyrton had a daily allowance of sixpence for himself, threepence for a serving man, three half pennies for his foot boy, and three half pennies for his chaplain. Twenty nine years afterward, in a skirmish by William de Pressun with a few companies of Scottish cavalry, the earl of Moray was taken prisoner, and sent by Edward III, to Nottingham castle, his order of commitment is dated Perth, 13th August, 1335; he was removed to Windsor 29th of December, in the same year, from thence to Winchester, 25th of May following, to the Tower in London, 28th September, 1336, and recovered his liberty, being exchanged for the earl of Shrewsbury, 1341, after a captivity of 6 years.

Beside the state prisons there was a *cavern*, which has obtained great notoriety, misnamed Mortimer's Hole. This subterraneous passage was cut through the south end of the rock on which the castle was built centuries before Mortimer and queen Isabella were born, but at what period is not now known.

The entrance was under a turret in the inner court, south of the castle, and secured by a strong gate. About 16 yards lower down was a second gate, (now walled up with stone) this part of the cavern led to a new one cut out of the rock since the building of the present castle, (without the wall of the paved yard.) From the second gate down, 14 yards, was another gate; 15 yards from this, was a fourth gate; and from this, 45 yards lower down on the left hand was another, which, with 7 or 8 steps, led into some works of the old tower; about 8 yards lower was a fifth gate; and 9 yards lower still was a sixth and lowest gate, which opened into the rock yard, near the river Leen, about 9 yards lower than the sixth gate; from hence it will be seen the entire length of it was 107 yards.

This passage is 7 ft. high, and 6 ft. wide, and to prevent persons from falling down this steep descent, had broad steps cut in the rock, that are now nearly worn out in the middle, but may be plainly seen at the sides. There are various openings in the rock southward, resembling port holes for guns, and holes formed opposite to them, evidently for the purpose of containing cannon balls and ammunition, that both might be near when they were playing their guns, by which all the meadows might be commanded without the least exposure on the part of the garrison.

Those persons are mistaken who suppose it was excavated by





the order of Mortimer, earl of March, as a private way for him to come, when paying his amorous visits to queen Isabella. What need could there be for him to come privately to the queen, when the posts and employments in which he was engaged, during the minority of the young king, rendered access to the queen not only easy at all times, but on many occasions absolutely necessary?

The opinion of those who imagine that Mortimer had this road made in which to hide, or through which to escape, in case of danger, is not better supported than the other hypothesis. It is unfurnished with any rooms; or even place to sit down in, being one continuous stair from top to bottom. Then as to its being a place through which to escape, why did he not avail himself of it, when the young king besieged him in the castle? The great care taken by the queen not only to have the gates of the castle locked, but the keys brought to her every night, and actually slept with them under her pillow, while no measures were taken to secure the gates of this subterraneous passage, through which the king did really march his forces, and make himself master of the castle in the dead of the night, shows very clearly, that so far from having designed it, neither to Mortimer or the queen was this passage even known, otherwise it would have been one of the first places to have been secured, without which all the rest might as well have been left open.

The following is from an old manuscript English chronicle, supposed to have been written in the reign of Henry VI.:—

“And in hast ther came unto kyng Edward, Sir William Montague, that he was in his castell, and pryvelyche told him, that he ne none of his companions shulde not take the Mortimer without counsaile, and helpe of William Eland, constabill of the same castell. Now certis, quod kyng Edward, I leve you full well, and, therefor, I counsaill you that ye goo unto the saide constabill, and commaude him in my name that he be your frende and your helper for to take the Mortimer, all things left uppon payne of lyfe and lymme. Sir, quod Montague, my lorde graunte mercye. Tho went forth the saide Montague, and come to the constabill of the castell, and told him the kyng's wille, and he answered, the kyng's wille shulde be done in all that he myght, and he wolde not spare for no manner of deth, and so he swhore, and made his othe. Tho saide Sir William Montague to the constabill in herynge of all them that were helping to the quarrel. Now certis, dere ffrendes us behoveth for to worche and done by your queyntise to take the Mortimer, sith ye be the keeper of the castell, and have the kayes in your warde. Sir, quod the constabill, woll ye understonde that the yates of the castell beth loken with lokys, and queen Isabell

sent hidder by night for the kayes thereof, and they be layde under the chemsel of her bedde hede unto the morrow, and so I may not come into the castell by the yates no manner of wyse, but yet I know another weye by an ally that stretchith oute of the ward, under the earthe, into the castell that goeth into the west, which ally queen Isabell, ne none of her meayne, ne the Mortimer, ne none of his companye knoweth it not, and so I shall lede you through the ally, and so ye shall come into the castell without aspyes of any man that beth your enemies.

It is therefore much more probable, that as the king and his band came up this passage on purpose to seize Mortimer's person, and as the earl, after he was taken prisoner, was brought out of the castle through this very same passage, in remembrance of this event it is called Mortimer's Hole. There is no account when the vault was made, which I have met with, except what Collins in his peerage, quotes from Drayton's barons' war—viz, "this wonderful passage had been hued and dug during a *Danish* invasion, by some of the Saxon kings, for the better security in case of a siege." For my part, if I consider how strongly this place was provided with gates, I cannot help thinking it was designed to relieve the castle with men and provisions, in case an enemy should be in possession of the town, the opening of it being both without the town and castle walls, and the rock yard being covered with two round bastions, in the outer wall of the castle facing the south, of which a good part is yet standing, and that after the Norman conquest, it was made use of in a time of peace to convey the meal and beer which was ground and brewed, (especially after the Leen was brought to run by the castle) for the garrison, the nearest way into the castle. (a)

The rock yard into which the last and lowest gate in Mortimer's Hole opens, is called in very old writings, the brewhouse of the castle, and indeed it had no other houses in it but such as served for the convenience of brewing for the garrison, until king James I, by a particular grant under the broad seal, separated it from the castle.

Leaving for the present a more particular description of the castle till the reign of Richard III, when it was in its highest splendour, and of the forest till Henry II, by whom it was constituted as such, we shall enter upon a brief description of the park, which contains 129 A. 3 R. 9 P., statute acres. This park used to be well stocked with deer, and its margin was fenced with

(a) Dr. Deering's Hist. of Nottingham, p. 175.

wood paling, and was skirted with fine tall chesnut and forest trees, others grew in various parts of the interior, for sheltering the deer, the last of which was sold off in 1720, since which time beasts have been taken in to summer. Mrs. Hutchinson says, however, that not a tree grew in the park when her husband commanded the castle, except one which grew at the foot of the rock on which the castle stood, and, according to tradition, had been planted there by Richard III, nick-named "Crook Backed Dick," and says, certainly the form of the tree was in unison with the form of its planter, for it had not a straight inch in its whole composition.

In a valley on the north side of the castle, a little to the right of the present foot road, there is an embankment, which has evidently been raised by artificial means, perhaps originally for military purposes. This part of the park, from the gardens south to this artificial ridge on the north, has for many centuries been called the queen's garden. From the time when Edward II. was deposed, 1327, to the death of Mortimer, earl of March, three years afterwards, Nottingham was the retreat of Isabella and her paramour, during which time it is said, this garden was formed for the pleasure of the queen, from which time, according to tradition, this part of the park has been styled "the queen's gardens."

Due west of the castle used to be a large reservoir, used in former days as a fish pond, and afterward, about 1720, let to the Old Water Work Company; it was a large sheet of water, on which, within the memory of man, two or three boats were kept for the use of fishing parties, the flags and reeds which grew up in it afforded a shelter to wild fowl, and two beautiful swans used to be on it till 1789. The lake, however, was allowed to choak up with mud, &c. being now quite useless, 1796, it was parcelled out, by order of its noble proprietor, his Grace the Duke of Newcastle, and let to the inhabitants of Nottingham for gardens, called to this day "the fish pond gardens."

Those rare and very ancient caves, very properly still called Druid's caves, and with no less propriety also, papish holes, having afterwards been employed, most likely, by the persecuted christians in the early ages of christianity, as places where they might hide themselves from the wrath of their enemies, and worship God in secret. Dr. Stukely in his *Itinerarium Curiosum*, describes the site of them, as a ledge of perpendicular rock, hewn out into a church, houses, chambers, dove houses, &c.

The church is like those in the rocks at Bethlehem, and other places in the holy land, the altar is natural rock, and there has been painting on the walls, a steeple I suppose where a bell hung, and regular pillars. Without is a plain, with three niches, which



I fancy was their judicature or the like; there is a regularity in it, and it seems to resemble that square in the Pictish castle (plate 38) in Scotland. In this part of the park is the most *perfect echo* any where to be met with, for standing against the pales and facing these caves, then raising your voice to no higher pitch than common conversation, the echo repeats every word distinctly though beginning with a consonant, unless it be with an m, n, s, or v. Between this and the castle, is a hermitage of like workmanship; in the rock facing the queen's gardens is a cave, which, within the last 80 years, was used as a military magazine; and also another facing the road which leads from Lenton to Nottingham.

William de Peveril continued in the possession of the manor and castle of Nottingham when the Conqueror died, which event took place at Rouen, the capital of Normandy, the year after Domesday Book was completed.

There is little left by which the history of Nottingham, or its lord, can now be known during the reigns of William II. and Henry I.

William de Peveril died in peace, an old man, and full of days, as appears from the register of the monastery of Northampton, in the 13th year of Henry II, A. D. 1113, leaving a grandson, William Peveril, as his successor in all his estates and honours; before his death he built and endowed a monastery at Northampton, and another at Lenton, A. D. 1104, about nine years before his death. The priory of Lenton, dedicated to the Holy Trinity, for the love of the worship of God, and the common remedy of the souls of king William and queen Maud, and their children, and his own parents; and for the health of king Henry and of Maud his wife, of William their son, and Maud; for the state of his kingdom, and for the health of his own soul, and of Adaline his wife, and his son William, and all his own children; and gave it God and the church of Clugny, and to Pontius the Abbot, and his successors; yet so that it should be free, paying a mark yearly as an acknowledgment.

The following is from the Foundation Deed of Lenton Priory, which is still in existence, and is often referred to as connected with the numerous churches that were formerly attached to it.

"Be it known to all the faithful clergy, and laity of the holy church of God, as well French as English, who now, or hereafter may be, that I, William de Peveril, for the love of divine worship, &c. &c. give to the monastery which I have founded at Lenton, the tenth part of my hunting, skins as well as flesh, and the whole

tenth of my fishery of Nottingham, (a). With the permission of my lord king Henry, I give to them the church of St. Mary, in the English borough of the town of Nottingham, with the lands, and tithes, and other things belonging to it; and also all the church of St. Peter, with all belonging to it; also all the church of St. Nicholas, with all belonging to it, &c. and those of Radford, Linby, Langer, and several other churches in the county, were formerly belonging to it; Henry I. confirmed the previous gifts, &c. and granted to the monastery a fair of eight days, at the least of St. Martin, and prohibited all persons from buying or selling in Nottingham during the period it lasted; and he likewise decreed, that every individual coming to, or returning from, this fair, should be free from law process or plaints. This was before there was any fair in Nottingham, and it became of very great importance, being regularly attended by tradesmen from London, Yorkshire, and Lancashire, and was well supplied with all kinds of wares and merchandize; at this fair the drapers and other shopkeepers purchased the cloths, groceries, foreign fruit, and spices for the year; it is still a great cattle fair. Henry I. also gave the monks of Lenton additional privileges, and acquaintance from Scyre and hundred, from wapentack, and trading or frank pledge, from the army; every custom and secular exaction, except murder and Dane-gelt. In 1544, when Henry VIII dissolved the religious houses, it was found to be the richest in the country, having an annual income of £417 19s 3d.

Most of the estates belonging this house in Derbyshire were given to the family of the Leeks, afterwards earls Scarsdale; but the manor of Lenton, with the principal parts of the lands remained with the crown, until Charles I granted them in fee-farm rent to the corporation of London, which appointed commissioners to dispose of them by sale, but reserving the fee-farm rent of £94 6s. to the king. In 1627, Mr. William Gregory, of Nottingham, purchased the manor, fair, royalties, &c. but till subject to the reservation of the before-mentioned fee-farm rent, which had now been granted by the crown to the duke of Richmond; but in the time of the commonwealth, Mr. John Gregory, son of the purchaser, also bought this fee-farm rent of the duke. The demesne of the Priory was given by James I. to the family of Hicks, (afterward baronets) with whom it remained through

(a) It seems in those days fishing was a calling in this town; the houses of the fishermen were outside the wall in the foss or ditch, now a street called Fisher gate.

several generations; it then passed into the hands of the Milwards, and two maiden ladies of that name, residing in the Metropolis, sold it to Messrs. Pares and Paget, of Leicester; who, almost immediately afterwards, re-sold the whole in lots, suited in quantities to the wishes of the buyers.

The present principal owners of the Abbey lands in Lenton, (independent of the large estates of the Gregories,) are Lord Middleton, John Wright, Esq. Matthew Needham, Esq. Alfred Lowe, Esq. Mrs. Evans, and Colonel Sempronious Stretton.

There was an estate here which did not form a part of the church lands, and is noticed by Thoroton as having belonged to Alderman Nix, of Nottingham, and having come to the Charlton's by marriage, these lands were afterwards in the possession of the family of Brentnall, the last of whom lived at Spondon, and he alienated the estate to an Attorney at Derby, of the name of Upton, for an annuity. These lands were sold in or about 1800, they consisted of some old enclosures, and a mill, anciently called "Ingram's Mill," near to the lodge of Wollaton Park, and by the side of the road leading from Nottingham to Derby, this was purchased by a person of the name of Goodacre; the other lands were disposed off to different persons and on a part of them is now erected New Lenton, Middleton-place, &c.

In addition to the fair already spoken of, as granted to the Priory, Charles II, in 1662, gave to George Gregory, Esq. of Nottingham, (the son of John Gregory, who purchased the fee-farm rent of the Duke of Richmond,) the privilege of holding another fair at Lenton every year, on the Wednesday next after Pentecost, and the six following days.

At what precise period the monastery was totally destroyed, is not known, but there only now remains the base of one pillar, which evidently proves it was a building of large dimensions; some of the foundations may be traced, but the old material has been used in repairing (probably in erecting) the present church, which stands on part of its site, and for boundary walls, fences, &c.

The church is but small, it is dedicated to the Holy Trinity, (the king, patron,) it has been fitted up afresh within these few years, so that nothing of any antiquity is left worth notice; even the old curious baptismal font has been removed to the house of one of the former churchwardens, and in its place a stone sprinkling basin has been substituted. On the outside, over the entrance, are two coats of arms in stone, one of which belongs to the family of Hicks. The enclosure bill passed in 1767; a second enclosure was made in 1797; the population of this village was, in 1801, only 893, and in 1831, 3,077.

## CHAPTER II.

Henry I. having no son to survive him, left the throne to Matilda, his daughter, who, at 8 years old, was affianced to the aged Henry V. emperor of Germany, and afterwards to Geofery, son of Fulk, earl of Anjou, surnamed *Plantagenet*, (on account of a custom he had of wearing a sprig of flowering broom in his cap like a feather), by whom she had a son, prince Henry, afterwards Henry II. But after the death of Henry I, the barons did not fail to testify their repugnance to the reign of a *she king*, many of them made no hesitation in breaking the oaths of fidelity Henry had caused them to take to his daughter, the ex-empress Matilda, and her infant son Henry, though in his life-time they dared not disobey his will. But when Beauclerk was dead, the barons refused to hold their feifs under the *distaff*, as they called it, accordingly Stephen, earl of Bolougne, a valiant and humane prince, nephew of the late king, by his sister Adela, daughter of the Conqueror, and wife of the earl of Blois; Stephen had married the daughter and heiress of Eustace, count of Bolougne, who brought him, in addition to the feudal sovereignty of Bolougne, immense estates in England. By this marriage also Stephen acquired another close connection with the royal family of England, and a new hold upon the sympathies of the English, as his wife Matilda was of the old Saxon stock, being the only child of Mary of Scotland, sister to David, the reigning king, as also of the good queen Maud, the first wife of Henry II, and mother of the empress Matilda, to whom her father had bequeathed the throne; whose right the nobility had set aside, and elected Stephen for their king, amongst whom the lord of Nottingham was one.

Matilda sent to recover the throne with an army of Scots, through the active mediation of the duke of Gloucester, a natural son of Henry II. and was himself aiming at the throne, and therefore joined interests with the empress, his half sister.

So rapid was the march of the Scots, that the Anglo-Norman army of Stephen collected from Yorkshire, Lincolnshire, and Nottinghamshire, could not come up with them till after they had crossed the Tees, therefore the army of the king drew up between that river and the Humber, choosing their own battle field, at *Elfer-tun*, now Northallerton, and about equal distance from Durham and York; there were four generals in command, two from Yorkshire,

Gildert de Lacy, and Walter his brother; from Nottinghamshire Walter Espec, but the commander in *chief* was William Peveril.

The bishop of Durham read the prayers of absolution from the *standard car*, the Normans and English kneeling on the ground, and when it was finished, saying Amen. The bishop then addressed the army in these words, "Illustrious chiefs of England, by blood and race Normans, before whom bold France trembles—to whom fierce England has submitted—under whom Apulla has been restored to her station—and whose names are famous in Antioch and Jerusalem, here are the Scots, who have done homage to you, undertaking to drive you from your estates."

Before the bishop had time to finish his oration, the Scottish army flew upon the king's forces, with a maddened and resistless fury. "Alban, Alban," was shouted by all the Celtic tribes from the Highlands. The desperate nature of the charge made by the brave men of Galloway, drove in the English infantry, and broke the Norman centre, as if they had only been spider webs. Almost immediately after, both flanks of the Anglo-Normans were assailed by the mountaineers and the gallant men of Tevotdale. Here the valour of Peveril and the men of Nottingham was severely tested, but they supported the charges, and the Norman horse formed an impenetrable mass round the *standard car*, and repulsed the Scots in a fierce charge they made to penetrate there. During this fruitless effort of the enemy, the English bowmen rallied, and took up good positions on the two wings of the Anglo-Norman army, and when the Scots renewed their attacks on the centre, harrassed them with a double flank flight of arrows, while Norman knights and men at arms, received them in front on the points of their couched lances. The long thin pikes of the men of Galloway were shivered against the armour of the Normans, or broken by their heavy swords and battle axes. The Highland clans still shouting "Alban Alban," wielded their *claymores*, and fighting hand to hand, tried to cut their way through the mass of iron-cased cavalry. It was the first time these Normans of England had come in contact with the claymores of the north, and they had good reason to bless the protection of their well-bound shields, their hauberks of mail, and the cuirasses of steel plate. For full two hours did the Scots maintain the fight in front of the Norman host, and at one moment the gallant prince Henry had penetrated nearly to the standard, but it was not possible they could overcome, and at last, with broken spears and swords they ceased the attack—paused, retreated, and then fled in confusion; the Scottish king, however, retained near his person, and in good order, his guards and some other troops which covered the retreat, and gave several bloody checks

to the Anglo-Normans, who pursued. Some idea may be formed of the dreadful carnage on the side of the English, when it is told that the Scots in this fight, in two hours, lost 12,000 men, many a brave man, many a father and widow's son, who marched to this fight from Nottingham, were not permitted to return, but fell there and never saw it again.

1139, Matilda landed in England with her half brother, the duke of Gloucester; and 140 knights; Stephen by rapid movements of his army, surprised the queen in Arundel castle, with her mother-in-law, Alice, the queen dowager, and he, with a generosity peculiar to himself, gave Matilda liberty to go and join Gloucester. The cause of Stephen was never injured by any want of personal courage, or rapidity of movement; the duke of Gloucester and Matilda escaping from Wallingford castle, where Stephen had besieged them, seized Worcester, and then with the barons of his party came and ravaged with fire and sword the counties of Chester and Nottingham. He besieged and took the town in the absence of the military, who were now with Stephen at Lincoln; having gained possession, broke down the walls of the town, murdering all who came in his way, old or young, the tender babe, or the man of hoary hairs; when the defenceless inhabitants fled into their churches for security, like some remorseless demon, he burnt them and their churches together, and having pillaged the houses of the rich, crossed the Trent on his way to Lincoln, leaving the whole town in flames; nor do we read, with the exception of the castle, there was one dwelling undestroyed, or that there was a single inhabitant left to bemoan the death of his fellows; thus dearly were the inhabitants of Nottingham made to pay a second time for the victory of Northallerton.

In this king's time, says the Saxon chronicle, all was dissention and evil, and rapine. They had sworn oaths, but maintained no truth; they cruelly oppressed the wretched people of the land with *castle work*. They filled their castles with devils and evil men; they seized those that they supposed had any goods, and threw them in prison for their silver and gold, and inflicted upon them unutterable tortures, some they hung up by the feet and smoked with foul smoke; some by the thumbs, or by the beard, and hung coats of heavy mail on their feet. They threw them into dungeons with noisome reptiles,—thousands perished with hunger. They laid tribute after tribute upon towns and cities, and this they called *teuserie* chastisement. Thou mightest go a whole days journey and not find a man sitting in a town, nor an acre of land tilled. The poor died of hunger, and those that had

been men well to do, begged their bread ; never was more mischief done by heathen invaders. Philip Gray, a relation of the duke of Gloucester, had the merit of inventing one of the most horrid instruments of torture ever used, called a *sachentage*.

At the time the duke of Gloucester sacked and burnt Nottingham, he had an army of 10,000 men. An anecdote is related by Dr. Deering, p 236, that the late Rev. — Hardy, vicar of Melton Mowbray, told him in the course of his reading he had met with an account, that this fire commenced at the house of a rich gentleman, who then occupied a large house at the south side of St. Mary's church, on the site of that in which Mr. Wright, surgeon now resides, formerly known by the name of Mappurley-place, from a considerable merchant of the Staple, Thomas de Mappurley, who flourished in this town the latter end of the reign of Richard II. 1370. In his endeavours to escape from the general massacre that was then going on in the town, was arrested in his flight by some of the duke's soldiers, led back to his house and made to show them where his treasure lay, he bringing them into his house, led them to a low cellar, whilst they were busy breaking open the locks and coffers, conveyed himself away, shutting the door after him, set fire to his house, and so thieves, to the number of thirty, were burnt, and by this fire all the town was set on flames. But as this statement is opposed to history, and is so improbable in itself, we can hardly yield an assent to its authenticity, though in part, it may be true.

Gloucester having left Ralph Paynell (a) one of his own captains in possession of the castle, *fording*, or according to some authors, *swam* across the Trent, which incident shows at this time Edward's bridge over the Trent was destroyed, and as its platform was wood probably it had been burnt by the duke's men, at the same time as the town.

Gloucester then marched his army to Lincoln, which was besieged by the king's forces, among which was William Peveril, and his brave men of Nottingham and the county. Stephen assisted by its inhabitants was prosecuting the siege at the time duke Robert appeared with his army in front of the town.

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(a) He was one of the Norman barons whose grandfather came over with William the conqueror, from whom he received 45 lordships, which were augmented by his father Fulk Paganel, by adding the lands of Fitz Ansculph, he got possessed of Dudley castle, which Henry II, after his decease ordered to be pulled down, because his son Gervase Paganel, who after his father's death had manned several castles against king Stephen, turned tail, and sided with king Henry the younger, Ralph as we have seen did not hold possession of our castle long. *Peerage*, Vol ii. part ii. page 88.

Gloucester thought to have taken him by surprise, but Stephen was prepared for him, had drawn out his forces in the best position, and dismounting from his war horse, put himself at the head of his infantry. But his army was unequal in numbers, and contained many traitors; the whole of the cavalry deserted to the enemy, or fled at the first onset; and after he had fought most gallantly, and broken both his sword and battle-axe, Stephen was taken prisoner, having no means of defence, and so was the faithful Peveril, fighting by his side. Matilda forgetting the generosity of Stephen to her when she fell into his hands at the castle of Arundel, caused both Stephen and Peveril to be loaded with chains, and then threw them into the dungeon of Bristol castle. 2nd February, A. D. 1141. Shortly after the duke of Gloucester fell into the hands of the Londoners, when besieging Winchester castle, and was exchanged for Stephen, 1st November 1142, who then obtained his enlargement, after a painful captivity of one year and nine months. The same event restored also the faithful William Peveril to his liberty, but not to his castle at Nottingham, this being still in the hands of the Gloucester party, he obtained its possession by stratagem, by which is generally understood, passing his army through the subterraneous passage, afterwards called Mortimer's Hole. Having made himself master again of his baronial dwelling, we hear not that he engaged any more in fighting, history is silent concerning him till the accession of Henry II. and this ill-fated town Nottingham, being desolate, had peace the next 15 years.

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### CHAPTER III.

1154. The first year of Henry II. is distinguished as that which witnessed the overthrow and entire extinction of the family of Peveril in Nottingham. The accusation brought against Peveril, lord of Nottingham, was that of combining with the wife of Ranulph, earl of Chester, who was the younger daughter of the duke of Gloucester, to poison the said earl her husband. The peculiar circumstances of the case are not now known, however there is something vague in the charge, as the said earl was not poisoned, nor attempted to be as we read of. Such a charge as this might easily be got up, and fathered upon any one the king was determined to get rid of. It may be all true but the story



savours very much of the conduct of Richard III. charging Jane Shore with witchcraft, because of his shrivelled arm, which he had had from a child, laying all the blame upon the unfortunate woman, as causing this infirmity, which it is well known he was the subject of, years before Jane Shore was born. When the accusation was brought against him, William Peveril well knowing how obnoxious he was to Henry II. on account of the part he had taken on behalf of Stephen, fearing the rigour of the king, betook himself first to the monastery of Lenton (a) which his grandfather had founded, but not thinking himself safe there quitted the habit of a monk he had so newly taken upon him, and fled the kingdom; the king seized the major part of his possessions and amongst others of his castles that of Nottingham, which he first granted to Ranulph, earl of Chester, but soon after had that, and the rest of this mighty baron's lands in his entire possession, and kept them in his hands several years.

Reginald de Lucy had this castle in keeping for the king, till Robert Ferrers, earl of Derby and Nottingham, in the war between the two Henrys, father and son, took it in behalf of Henry the son, and drove De Lucy out of it; plundered the town, and distributed the spoil among his soldiers, but after the death of Henry the son; Henry II. resumed possession, and then gave the castle to his fourth son, John, earl of Morton and Nottingham, as he was afterwards called, and this prince was the governor of it, till after his father's death.

The Honour of Peveril was very large, including,—*Nomina Villarum infra Honorum Peveril in Comit Nott. and Derbiens.*

NOTTINGHAM.—Adbolton, p. se. et cum Cothinstock, Aldesworth, alias Arsworth, Annesley, Aspley, Arnold, Adinburgh, Assert de Heywood, in Forest de Sherwood, Albocton, Aram, alias Averham, alias Arum. Barton, *a manor*, Bridgford, *a manor*, Bassingfield, Basford, Brinsley, Beeston, Bramcoate, Bilberow Broxtow, *hundred*, Bulwell, Barneston, alias Barestole, Bildworth, Brocton, Bunny, Bradmore, Bingham, Beavall, Burton Jace, Barnby, Bagthorpe, Bleasby cum Membris. Clifton, Conard, Codlingstock, Cossal, alias Coteshall, Colston Bassett, Colwick West, Colwick East, Cropshall, alias Cropwell Butler, Clipsow, Cleadon, alias Cleidon, Carleton juxta Nottingham, Codgrave Caunton, Chilwell, Cromwell, Curline, Carleton North, Carlton, Chelmerton. Estwicke, Eastwood, alias Esthwicke, Eperstone, alias Eperstowe, Efford, Edoulton, Ernesbya, Estwaite,

(a) *Magna. Britt &c. Hibern. Vol iv. page 5.*

Estnotherwicke, Edingfield cum Halam, Forest of Sherwood, Flinton, alias Flintham, Farnsfield, Fiskerdow, Fledborough, Gunston, alias Gunnalston, Greasley, Gamston, alias Gonelston, Gresvile, alias Greswell, Glapton, Gedling, Gestock, Gotham, Gresthorp cum Normanton. Hucknall, Hucknall Torkard, Hempshall, Hawkesworth, Hickling-manor, Hockley, alias Hochelia, Hanne, alias Hulme, Hubenia, alias Havershaw, Hoveringham-manor, Hallowton cum Blidworth. Kingston juxta Ratcliff, Kirlington, Kirthington cum Normanton, Kimberley, Keyworth, Kellam-manor, Kirkby-Woodhouse, Kirkby in Ashfield. Lenton, Langor, Lindby, Leake Parva, Leake Magna, Manors, Lambley, Lowdham. Moore-Green, Morton, Muskham Bathley cum Holme, Menenton, Markham south, Markham north cum Carleton, Maplebeck cum Kneesal. Normanton and Kingston, Newbould, Norwell and Blidworth, Nuthall. Ollaverton, alias Ollerton, Oxtan, Ossington cum Carleton, Papplewick, Plumtree, Radford-manor, Ruddington, Remson, alias Rempston, Radcliffe sup Trent. Sibthorpe, Staunton, Stapleford, Strelley, Sutton sup Trent, Sutton Bonington, Selston, Schrevelton, Sherwood Forest, Stoke Bardolph, Sutton Passeys, Sutton Basset, Somerville, Saxondale, Stoke juxta Newark, Slegby, Shupton. Suttomeering, Sierston, Southwell in Membris, Stanford, Stathorp, Snenton, Thrimpsen, alias Thrumpston, Toton, Tithby, Thorp, Thorp jux, Remson, Thorowton, Trowell, Towton, alias Taunton, Towkesworth, alias Tuxford, Thurgarton a Leigh Hundred, Thimerton Teidshall. Upton and Morton. Wilford, Willoughby. Wiverton, Wysall, Westhorp, Wollaton, Watnoll, Woodborough, Widmerpool, Wannesley, Weston, Winkborne cum Hock.

DERBYSHIRE.—Ashford-in-Peak, a *manor*, Atquathorp, Alfretan alias Alfirton, Ashour or Ashore, Alsop, Allernash, Appletree Hundred, Alleaston, Ashburne, alias Eshburne, Bolsover, Bradnell Baswell, Bastowe, Burton, Brakenhwait, alias Brakenwheat, Brimington, Bugnell, Blacknell, Brimington cum Wilcom Rodithes, Barleborough, Buxton, Brampton, Bently-manor, and Hamlet, Bradley, Bathorp alias Bagthorp, Baslow, Becleshall, Belper alias Beauspiere, Bonsall, alias Bonteshall, Brassington, Bakewell, alias Bankwell, Birchwood, Burton, Lazarus, Balb Forest de Hopedale, Brightwifield, Batfield, alias Batesfield, a *manor*, Beckley, Bousden cum Farneton, alias Farndlow, Codnor-Carthalu, Chatville alias Clatvile, Chatsworth, Calowe Crich-Baron, Cooksey, alias Cooksley, Coldlowe, Cromford, Crodecoat, alias Crowdecoat, Coldbrook, alias Caldebrook, Cotes Chadseden, Cleyndon. Dale Abby, Darley-in-the-Peak, Darley-

Abby juxta Derby, Dore, Dernechola, Dunston-manor, Denby-manor, Dethick, Duningsted, Duckmanton, Duffield-manor, Deresborow. Eyme, Empingham, Eshburne, alias Ashburne, Estford, Edersley, alias Edrithsley, Elton-manor, Estwell, alias Etwall. Forton, alias Foodon, Forest of Peake, Fairfield, alias Fairfield, Farnlow cum Bowden, Folesworth, alias Fawsworth, alias Foxworth. Gresley Hundred, Glapwell. Haddon le Nether, Hope, Hopedale Ball, Heanor-manor, Larlow, alias Hucklow-manor, Hocklow-hamlet, Haverseidge-manor, Hassop, Herlaston, Hetherseige, Hasland, Holbrook, Hunsington, Hopton, Heage, alias Heige, Holland, Horsley Castle, Hurtington, Heasselbecke, Habeina, Hocklia, Horsepool, High Peak. Haylesyra. Iball, Ireton, Ilkeston, Irvicestrie. Kilwaremarsh, Kirtington, Kinnersey, Keelestone, Kerelston, alias Kedleston. Langford, Longsden parva, Lutton-hamlet, alias Sutton, Litton, Lee and Tansley, Langor-manor, Langrave-manor, Lintot-hamlet, Matlock-manor. Middleton-manor, Marton, Methduplet, Mapleton, Malcherba, Melborne. Normanton junta Derby, Normanton, Normanville. Oxcroft, Overdale-manor, Occidental, alias Ocdental, Olvaston in Morley Hundred. Pinkeston, alias Pinston, Peake Mines, Peake Cast, Pentridge, Pilsley, Parkhall juxta Derby, Pemwick, Porwich, alias Powdwich. Quatford. Risley, Rodesly, alias Rodely, Ripley, Rowdiches Waste, Risdenden. Shoreland, Somercote, Scarcliff, Somerville, Sponson, Shalton, Stanely, Shakethorne, Starwigge, Shallcross, Sierston, Skegby, Smitterton, alias Sinterton, Sirebrook, Southwood, Stanton, alias Staunton, Stake in the Peake, and the *manor* of Sandiacre, Supton, alias Shupton, Stalldona, Stauradale. Thorp in the Glebis, Tibshelfe, Toleberry cum Dore, alias Tolley cum Done, Tidswall, Tolville, Tannesley and Lee, Thimerton. Underwood. Waterfield, Walton, Wounhall, Wingfield, North and South, Whitfield, Whittington, Wakebridge, Whitwell, Wirksworth Hundred, Weston, Wandesly, Wymondfall, part in Leicestershire.

The place where his court was held was in a chapel dedicated to St. James, and was the first of which we read in Nottingham, it stood about 60 yards from the bottom of a street, still called St. James'-street, near the place where the Independents have erected one of their chapels; in the burying ground of which human bones have frequently been found, which shows it to have been an ancient place of sepulture. This chapel is thought to have been erected here in the time of the Saxons, and, consequently, to have been a place of worship before St. Peter's and St. Nicholas's churches were built, but not prior to St. Mary's.

The family of Peveril is gone, and has been for ages past, but

like the shades of the departed, which some have imagined haunt the places of their former chivalry and mirth, the name of Peveril lived for centuries here, and liveth still. Who that contemplates Peveril's fall—so sudden, utter, and remediless, must be convinced how precarious is the favour of princes, and how utterly vain all earthly things.—

“ The rills of pleasure never run sincere,  
(Earth has no unpolluted spring,)  
From the curs'd soil some dangerous taint they bear,  
So roses grow on thorns, and honey wears a sting.

In vain we seek a heaven below the skies,  
The world has false, but flattering claims;  
Its distant joys show big in our esteem,  
But lessen still as they draw near the eye;  
And when we grasp the airy forms,  
We lose the pleasing dream.

Earth, with her scenes of gay delight,  
Is but a landscape rudely drawn,  
With glaring colours, and false light;  
Distance commends it to the sight  
For fools to gaze upon;  
But bring the nauseous daubing nigh,  
Coarse and confused the hideous figures lie,  
Dissolve the pleasure, and offend the eye.”

Peveril courts continued to be held in this chapel, though Peveril was gone, till 1316, when Edward II. removed this court to the county hall, and exonerated the town from its feudal jurisdiction, and gave the chapel to the Carmelite Friars, to whose convent it stood contiguous. This convent is standing yet, as may be seen, and in a good state of preservation, inhabited by respectable families at this time, Mr. Bakewell and Mr. Taylor; and stands with its ivy mantled front; before which is a wide court or yard, on the right hand from the market place, a short distance up Friar-lane. 1368, Edward II., in the 41st year of his reign, granted the honour of Peveril, as the high stewardship of this court, is called to William de Eland, of Basford, and his heirs; about which time it appears to have been removed to Basford; the high steward having the power of holding the court where it should please him, in any part of its jurisdiction. 1791. John Sands, keeper of the prison, opened the doors and let out all the prisoners, because there was no food allowed for

their support, having been informed on legal authority that if any died of want under his charge he would be liable to take his trial as a *Murderer*.

The court was then removed to Lenton; the confined debtors being placed under the care of Mr. Wombwell, who in 1804, built a new coffee house and a prison. Mr. Wombwell was succeeded by Mr. John Hopkins, then Mr. Thomas Wright, Mr. Godfrey keeps it at this time.

The Peveril is a court pleas for the recovery of small debts and for damages in cases of trespass, its jurisdiction extends over 127 towns and villages in Nottinghamshire, and 120 in Derbyshire, and several in the counties of Leicestershire and Yorkshire, some additions were made to its jurisdiction. Lord Middleton is the present high steward, John Balguy, Esq. barrister, deputy steward, and Mr. Sanders, solicitor, the prothonotary. A court is held every Tuesday, and the writs issued are returnable the next court day; a general court day is held twice a year, in which the high steward is supposed to preside, called the court of trials. Sheffield and Rotherham are now included in the honour of Peveril having been added to its jurisdiction by Charles I and II.

The following is a list of high stewards of this court so far as they have been transmitted to us,—William de Peveril, Sir William Peveril, Ralph Paynel, the Crown, John, earl of Morton, afterward king John, Robert de Vavasor, Hugh de Stapleford, (a) William de Eland, Rowland Revel, who married an heiress of William de Eland, Randal Revel, and Hugh Revel, successor of Rowland. The Hutchinson's of Basford, a collateral branch of the family of the Hutchinson's of Owthorpe. Lord Goring, from whom the stewardship passed to his son Charles, earl of Warwick; Henry Goring next possessed it, then Charles, second son of the earl of Norwich. It afterwards fell into the hands of lord Wigorne, and after him into the hands of his sons, Charles, lord Herbert, and Arthur, lord Somerset.

Queen Anne, in the 5th year of her reign, by letters patent, granted the honour of Peveril to Sir Thomas Willoughby (whom she afterwards created a peer of the realm, along with eleven others

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(a) Of the Stapleford's little is known, they resided at the village of Stapleford for some generations, and the last male of the family dying without issue, his sister Margaret took the estates &c. in the Tevery family. This family had long been seated at Long Eaton, but John Tevery having married the above Margaret Stapleford, he made Stapleford his place of residence, and the family continued there until (for want of male heirs) the property went by marriage to the Palmers' who soon afterwards retired into Yorkshire, and disposed of the property here. The old mansion was sold to the Warrens, and the lands to different persons. The family of Palmers still exist in Yorkshire, being seated at Naburne, near York.

to control a political question in the House of Lords) and his heirs for ever. From this nobleman the honour descended to his son Francis, lord Middleton; and from him, to his son Francis, lord Middleton, and from him to his brother Thomas, lord Middleton, and from him to his cousin Henry, lord Middleton, and from him to his cousin Digby, lord Middleton, the seventh and present lord Middleton.

Mrs Hutchinson states that the powers of this court lay dormant for a considerable time, after the death of Mr. Hutchinson, of Basford, and before the appointment of Lord Goring, the former having suspended that court because of the abuse which certain attornies made of its powers, to one of whom its revival is attributed.

It has been supposed Henry II. besieged and took Nottingham, and the castle from Peveril, A. D. 1153, and Stamford at the same time, but however this may be, certainly he was present at Nottingham 1154; the first year of his reign, and like Edward the Elder became one of the greatest benefactors Nottingham ever had. The wall had been broken down, the gates destroyed, and the churches burned with fire, in whose ruins the black embers, dismally contrasted with the bleached bones of the immolated victims that had been sacrificed to the rage of a furious prince.

Henry II. rebuilt the wall of the town, which however, was not quite so extensive as the former one built by the Saxon Edward senior; Henry's wall, from north of the castle wall, passed down Park-row to Chapel-bar, as Edward's had done, from thence north east, through the yard of the Spread Eagle Inn, Mrs. Chapman, where many feet of this wall still exist; and though Dr. Deering says no parts of the wall remain, it actually forms the greater part of the north end of Mrs. Chapman's large stable, which any one may see who gives a call at the Inn. The length of stones, some of which we measured, were about 18 inches long, and 9 in. thick, the breadth we could not see, but they appeared to have been all hewed to the same thickness, and nearly of the same length; judging from those stones in Mr. Hurstfield's yard of the Loggerheads, Narrow-marsh, we should think they were 36 inches broad.

From Chapman's it ran down the north side Parliament-street, under Mr. Copley's house, down Parliament-row, where it joined Edward's wall at the end of Stoney-street, pursuing an easterly direction to Coalpit-lane, Old Glasshouse-lane, Carter-gate, Fishergate, Hollow-stone, High, Middle, and Low Pavements, Castlegate, joining the wall at Brewhouse-yard. The gates appear to have been in the same places as they were previously in Edward's

wall, except York gate, which was removed from York-street, and placed at the north end of Clumber-street, where the little postern or sally-port, called Cow-gate, used to be, which from this time appears to have been the great northern thoroughfare. It is quite certain that Henry II. not only took possession of the castle, but actually resided there, and to benefit the inhabitants, who had been so lately despoiled of their goods, by Ferrers, earl of Derby, and also to increase the number of residents, held frequently his court in the castle.

" Here he dwelt,  
For many a cheerful day these ancient walls  
Have often heard him, while his legends blithe,  
He sang of love, of knighthood, or the wile  
Of homely life, through each estate and age,  
The fashion and the follies of the world  
With cunning hand portraying."

One year he actually held Christmas festivities in Nottingham, which occasion drew together the flower of all the English nobility here. By showing the manner in which the festivities of this merry season were observed in those early ages, we shall be the better able to form an adequate opinion what would be the profusion of royalty on this occasion. Rude gambols and mimicry were acted by parties called *Guisors*, who were fantastically caparisoned, parties of musicians went about the streets, playing psalm tunes, and singing Christmas carols; these different companies went about towns, and calling at the houses of gentlemen, who gave them money, called Christmas boxes. To the poor as well as the rich, it was a time of feasting and delight.

" The smoaking sirloin stretched immense  
From side to side, in which, with desperate knife,  
They deep incisions make, and talk the while  
Of England's glory ne'er to be defaced;  
Nor wanting be the brown October draw,  
Mature and perfect from his dark retreat  
Of thirty years."

We give the following extract from original autographs in the British Museum, concerning this season of merriment of our ancestors:—

" Cardinal Wolsey, who was prime minister to Henry VIII. in 1625, established an household for the princess Mary, she being

then the princess royal, and he also appointed the various officers and servants of her establishment. The following document is a copy of one presented to Wolsey, for instructions how to proceed at the succeeding Christmas :—

“*Please your Grace* for the great repaire of straungers, supposed unto the Pryncesse honourable householde, this solempne fest of Christmas.”

“We humbly beseeche the same to let us know youre gracious pleasure concernyng as well a *ship of silver*, for the almes disshe requysyte for her high estate and spice plates, as also for trumpetts, and a rebek to be sent, and whether we shall appoynte any *lord of mysrule*, for the said honourable householde, provide for enterluds disgysyngs, or pleyes in the said fest, or for banket, or twelf nyght. And in likewise whether the princess shall sende any newe yeres gifts to the king, the quene, your grace and the Frensshe quene, and of the value and devise of the same. Besechyng youre grace, also, to pardon our busy and importunate suets to the same in suche behalfe made.

Thus our right syngler good Lord, we pray the holy Trynyte have you in his holy preservacion. At Teoxbury the xxvij day of November.

Your humble Orators,

JOHN EXON,  
JEILER GREVILLE,  
PETER BURNELL,  
JOHN SALTER,  
G. BROMLEY,  
THOMAS AUDELEY.

To the most reverant father in God  
the Lord Cardinal, his good Grace.

Doubtless his grace, the cardinal, allowed the recreations prayed for, and this specimen may serve for a mirror of that age, as it respects these revels and pastimes then practised. Some singular customs are yet in use in the Highlands of Scotland, the recital of which may be amusing :—On Christmas-day the first object is to make the *Preckdacdan sour*, or *sour scones*, (cakes), the oatmeal for which has been steeped in *soawns bonre* a fortnight before. These being baked, and distributed among the family, then follow *branded bannocks*, and pannick-perm. New sowans are also supplied, after having been boiled to the consistence of molasses, being poured into *bickers* upon the *lagan le vich*, or yeast bread. The young people then amuse themselves with swings, one of them being seated in the swing, calls to another “*Ei mi tu chal*,” “*I’ll eat your kail*,” to which the other replies. “*Cha ni u mu chal*,” “*you shan’t eat my kail*,” and instantly gives a strong push to set the swing *going*. Those that are prepared for the



sport go to the Kiavamuchd, or prize-shooting ; and others to the Louchdvouil, or striking of the ball ; tired with these sports they retire the *Sonsy haggis*, to allay the appetite, and from that to the flowing bowl and sparkling glass, over which the *Sire* relates his exploits in days of *auld langsyne* with such additions as may serve to make the young ones stare with wonder at deeds they will never be able to imitate.

From hence it may be easily inferred that for a king to hold these festivities in the castle was to make it the centre of attraction from all parts of the kingdom to which the noble and wealthy would resort to partake or even witness the royal splendour and bounty, and must have greatly enriched the town by so profuse an expenditure of money at this time.

And now Old Sherwood, or Thorny-wood, as some part was called, was *afforested*, and called the Forest of Sherwood. There appears, however, to have been a forest of much smaller dimensions in this county before this time, called High Forest, because we find by William of Peveril, in the 5th year of king Stephen, there is mention of De Plautis Forestæ in this county. Peveril had the whole profit and command of this forest, as part of his estate, which after being resumed by the crown, the sheriff, 8th year of Henry II., in the account of his ferm, prays to be discharged of £4. in vasto forestæ, and in the 10th year of the same king's reign, he prays the like discharge of £4. for the waste, as also an allowance of £6 5s. paid to the constable, eight foresters, and a warrener, and to the canons of Shirewood for alms, £40. by which it is thought the priory and monks of Newstead are intended, which establishment had been newly founded by this king.

The next year, the sheriff of the county, Randulphus filius Engelrami, answers de censu forestæ, and in the 12th of Henry II., Robert de Caltz, lord of Laxton, a fermor, answers for it £20, and three years after that Reginaldus de Luci answers the like sum of £20 pro sensu forestæ, in both which years Robert Fitz Randulph was sheriff.

Previous to fixing the boundary of Sherwood, by Henry II. in consequence of certain lands and liberties possessed by the archbishop of York, on some parts of the intended forest, Ranulph the sheriff, Hugh de Buyron, Ralph de Hanselin, Robert de Ferreriis, Ralph de Annesley, Galfr de le Fremunt, Ralph de Heronvill, Hugh Fitz Welviet, Robert de Hoveringham, Alexander Fitz Toche, Simeon Fitz Richard, Robert de Ripera, Richard de Croxton, William de Herys, Walter de Amundevill, Sanpson de Sterely, Gervas Fitz Richard, De Mucy Ingelram, the brother of the sheriff, Hugh Fitz Roger, William Fitz Rayner,

Hugh Fitz Albred Hardewin, and Gaufr de Staunton, swore at Nottingham, in the presence of Robert, earl of Leicester, who on the part of the king commanded them that they should tell the truth concerning the customs and liberties which the land of the archbishop of York, in Nottinghamshire, and the archbishop himself had in the same shire in the time of king Henry I. and the year and day wherein that king was alive and dead, And after they had severally sworn, they said, that the whole land of the archbishop was without the forest, which was contained (or intended to be so) between the bounds underwritten; as Doverbeck falleth into the Trent, and on the upper part from the water of Doverbeck unto Ciningeswad, as the way of Blythe goes, and all that land which is beyond Ciningeswad, and beyond the aforesaid way, was out of the forest of Bykersdike, so that no forester of the king could intermeddle on the king's part concerning that land; but the archbishop and his men did freely both assert and do what they would with it as their own. And out of the afore-named bounds in the old forest, the archbishop did hunt nine days in the year, viz. three against Christmas, three against Easter, and three against Whitsunday, through the whole wood of Blyworth, and in that wood, the archbishop, and his canons, and his men, had all the attachments, without waste, (guasto) and had their proper foresters, and aieryes of hawks, and pounage, this was sealed by Robert, bishop of Lincoln, and Hugh, bishop of Durham, and John Romanus, archbishop of York."

Thorny Wood and High Forest were the two grand divisions of this royal forest; the former was so denominated from the quantity of thorns and underwood growing upon it, which constituted an excellent cover for the fallow deer, whilst the red deer mostly kept in the latter, which in ancient times was well stocked with rich stately oaks, which, for tallness and straightness of bole, were scarcely inferior in height to the gigantic firs in the north of Europe. Here also grew immense quantities of bilberries, which were gathered by the poor and sold, to whom it was a source of considerable profit.

The rigorous severity of the forest laws in the times of the early Norman kings was very burdensome to the subjects; it would hardly be believed that William the Conqueror caused a law to be promulgated, which, for stealing a buck, or wild boar, inflicted a penalty for the offence, at which humanity shudders, which was, that of tearing out the culprit's eyes; William II. made it hanging for any man to steal a doe, and for even a hare

he made them pay 20s. and 10s. for a coney. This same king caused fifty rich men to be apprehended, and accused them of taking and killing his bucks, though there was not a tittle of evidence in support of the charge; but in those days it was enough to be accused. By the ordeal of fire they must prove themselves innocent, which was utterly impossible. Henry IV. made no distinction in punishing the crime of him that killed a buck and he that killed a man, it was hanging in both cases; he punished any who destroyed game, though not in a forest, either by forfeiture of his goods, or loss of a limb, but Henry II. made it only imprisonment. His son, Richard I. revived the old laws for punishing, with a barbarous severity, those who offended against the game laws. If a man was convicted of hunting in the forest, he was castrated and had his eyes torn out, but the same king afterward abolished this punishment, and appointed such convicts to abjure the realm, or be imprisoned, or pay a fine; the same forest law was observed in the time of Edward I. The difference of a forest and a chase is this,—a chase has no particular laws attached to it; all offenders in a chase are to be punished by common law, and not by any peculiar to the chase; a chase has no such officers as a forest has, neither *verderers*, *foresters*, *rewarders*, or *agisters*, but only keepers, and wood-wards; a chase has no court of attachment, swainemote, or justice seat, as a forest has. In king John's time a charter was granted to his people, relating to the liberties in the forest, which mitigated some of the hardships then complained of, and in the reign of his son Henry III, a further charter was granted, A. D. 1232, and 16th year of his reign, as appears by the exemplification of a preambulation, whereby the boundaries of the forest were determined and distinguished from those parts which were then disforested.

“ Henry, by the grace of God, king of England, lord of Ireland, duke of Normandy, &c., to all archbishops, bishops, abbots, priors, earls, barons, knights, justices, sheriffs, mayors, ministers, and all bailiffs, and his true liege men, greeting. Know ye us to have granted, and with our present charter confirmed, for us and our heirs for evermore, that the walk made by our trusty and well-beloved Hugh Nevil and Bryan of the Yle, and others to them associate by our commandment; the aforesaid Hugh Nevil then being justice of the forest, betwixt the parts that be disafforested, and the parts that shall remain still in the county of Nottingham, be firm and stable, and abide for ever. And that these parts in the county aforesaid disafforested, remain by the marks, and bound in the walk thereof, made, expressed, and hereafter written.

“ That is to wit:

“The aforesaid walk beginneth at the forth, alias ford of Coningswath, by the highway that goes towards Wellawe, unto the town of Wellawe towards Nottingham, so that the close of the town of Wellawe is not of the forest, and so from thence unto that place where the river of Doverbeck goes on the said way, and so from thence, as the said river of Doverbeck, into the water of Trent, so that that part of Nottinghamshire which is called the Clay, and another parcel, which is called Hatfield, on the north side of the great highway of Nottinghamshire, that goes from the aforesaid ford of Coningswath towards the south, unto that place that the said water of Doverbeck goes on the said highway, beginneth at the aforesaid ford of Coningswath, and extending itself until the said river of Doverbeck be disafforested by the aforesaid marks, towards the north and the east, which forsooth parte aforesaid is called the Clay, and the parcel aforesaid that is called Hatfield, betwixt the river of Doverbeck and Bickersdiike, and Sherwood and Trent. Also the said walk in the same county of Nottingham, beginneth at the aforesaid ford of Coningswath, and ascending towards the west, by the water that is called Maiden, unto the town of Warsope, and from the same town ascending by the same water unto Hatrebridge, and from thence, turning by the great highway of Nottingham, unto Milneford-bridge, and from thence unto Mansfield, and from thence betwixt the fields of Hardwick and of Kirkby, and the moor of Kirkby unto the corner that is called Nunker, and from thence to the assert of John Bretton unto Tharlistie, and from thence unto Strolegate, and from thence by the great highway, under the old castle of Annesley, and from the same castle, by the great highway, unto the town of Lindby, and from thence, through the midst of the town of Lindby, unto the milne of the same town, upon the water of Leen, and from thence, descending the same water, to the town of Lenton, and from thence was wont of ould time to run into the water of Trent, so that the part of Nottinghamshire that is betwixt that water of Coningswath and the town of Blythe, and also all the part of Nottinghamshire that is on the west part of the water of Maiden, ascending towards the south, unto the water of Trent, betwixt the divisions and the county of Derby, be disafforested; and that which is within the aforesaid bounds remain foreste, saving to us and our heirs our hay of Welley, and all our other domaine, woods, in the aforesaid county of Nottingham, on the west part, north, and east part of the town of Nottingham, and of the south part of the same town unto the water of Trent. That they remain in the forest we have granted, and with our present

charter confirmed, for us and our heirs, to all our men of the aforesaid county of Nottingham, dwelling in the parts aforesaid, after the bounds and aforesaid disafforested be quiet for evermore of waste and reward, of the view of the foresters, and of all those things that to the forest, foresters, verderes, and rewarders, or other ministers appertaineth, and that none of the aforesaid men that dwell in the aforesaid parts disafforested, or elsewhere, who are in the same county without the forest, nor their heirs at any time by us, nor our heirs be made agisters, verderers, or rewarders, or other ministers appertaineth, and that none of the aforesaid men that dwell in the aforesaid parts disafforested, or elsewhere, who are in the same county without the forest, nor their heirs at any time by us, nor our heirs be made agisters, verderers, or rewarders in the forest aforesaid, in the aforesaid county of Nottingham, we have granted also to the same men, and with this our present charter confirmed, for us and our heirs—That no man that be of the parts aforesaid disafforested, shall come by common summons before our justices at pleas of the forest, but if he be attached for any trespass of the forest, or by the pledge of any man that ought to come before the said justices to answer for any trespass of the forest, wherefore we will, and straightly command for us and our heirs that the aforesaid walks made by marks, and bounds, and places aforesaid, and above expressed, in the county of Nottingham, stand firm and stable for evermore, and that the parts aforesaid, as be in the aforesaid walk noted, be disafforested for evermore. So that they be quiet of waste, reward of foresters, and of all manner of foresters, verderers, rewarders of their ministers, and that none of the aforesaid men, that dwell in the aforesaid parts disafforested, or elsewhere, in the said county, out of the forest, nor their heirs at any time by us, or our heirs be made, agisters, foresters, verderers, or rewarders, in the aforesaid forest of our county of Nottingham, and that none that be of the said parts disafforested, come by common summons afore the justices to the pleas of the forest, as by the pledge of any other man that should come afore the said justices to answer for any trespass of the forest as is above said. This being witnesses, &c. the xv. day of July, in the sixteenth year of our reign.”

In the ancient written forest books of this county, it is said by Dr. Thoroton that in his time there was a copy of a charter made by king John, when he was earl of Morteyne to Matilda de Caux and Ralph Fitz Stephen, her husband, and to her heirs, of all the liberties and free customs which any of the ancestors of the said Maud held at any time in Nottinghamshire and Derbyshire, as their ancestors ever held the same. It came to John Birking as

heir to this Maud, so to Thomas Birking, his son and heir, about the 11th year of Henry III, 1227, and shortly after to Everingham, who thereby claimed Custodiam Forestarum Regis in Com. Nottingham and Derby parts of both counties being then comprehended in the forest of Sherwood, the rest having been disforested as we have seen by Henry III., in the sixth year of his reign, 1222, in the sum of the statute of Charte de Forestæ. With this Everingham, heir to Birking and Caux, it continued till Edward I., 1272 and then was seized as forfeited to the crown. Since the guardianship has been granted by princes to noblemen and gentleman as a character of their especial favour, the state of this fostership of the Everinghams, and of the whole forest, appears in an inquisition taken by Geoffrey Langley, the king's justice in eyre of his forest beyond the Trent; for the forest officers of Sherwood there find that there be three keepers in the forest. First, between Leene and Doverbeck. Secondly, by the High Forest. The third, Rumwood. Robert Everingham, chief keeper of the forest, ought to have a chief servant sworn, going through all the forest at the cost of Robert, to attach all trespasses, and present them at the attachments before the verderers. In the first keeping between the Leene and Doverbeck, he ought to have one forester riding with a page, and two foresters on foot; and there be two verderers and two agisters. In this keeping there be three hayes, Beskwood hay, Lindby hay and Willay hay. The second keeping is the High Forest. In this Robert Everingham is to have two foresters riding with two pages, and two foresters on foot, and there be also two verderers, and two agisters. In this keeping are two hayes. Birkland and Billahay, and the park of Clipstone, and in these hayes and parke two verderers and two agisters. In the third keeping, Rumwood, Robert Everingham ought to have one forester on foot, and there be two Woodwards, one of Carburton, another of Budby, and two verderers and two agisters. Robert Everingham ought also to have a page bearing his bow, through all the forest to gather chiminage.

Although there were disafforestations of parts of this forest afterward, yet they were resumed, so that the old preambulations of the forest still stood within little more than a century from this time, as will be seen by and by. There do not appear to have been many justice seats in the forest of Sherwood. There was one in the reign of Henry II. 1160, over which his favourite, Hugh, bishop of Durham, presided; assisted by Robert, bishop of Lincoln, and Robert, earl of Leicester. There was another in Henry III. reign 1220, over which Robert Nevill presided, assisted

by his fellow justices. The next after that was 15th Edward I. 1282, before William Vescy and his fellows; of this justice seat, the rolls are extant with the chamberlains of the Exchequer in the Tally Office, as also the rolls of the next justice seat, 8th year of Edward III. 1334, before Ralph Nevill and his fellows. The next of which we have any account was held 21 Henry VII. 1506, before Simeon Stalworth and John Collier, clerks, Robert Nevill, and John Port or Porter, as deputies and lieutenants of Sir Thomas Lovell, guardian and chief forester, and the justice of the forest of our lord the king of Sherwood. The rolls of this court are supposed to have been lost, as are also those of another before Thomas, first earl of Rutland, 26 Henry VIII. 1534. The last, and only other remaining record in the Exchequer in the same Tally Office is a book, wherein is entered the claims and commencement of a justice seat before Lord Cromwell, the king's chief justice in eyre of the forests, on the north side of the Trent.

Formerly the officers of the forest were a warden, his lieutenant, and his steward, a bow bearer, and a ranger, four verderers, twelve rewarders, being reduced to twelve by William Vescy, Edward I. 1282, four agisters, and twelve keepers in the main forest, to whom four others were added sometime afterward for Thorney Wood, where anciently there were but two, one for the North Bayle, and another for the south. The earl of Chesterfield was chief forester in the reign of Charles II., whose father, Sir John Stanhope, had the same granted in fee, with liberty to destroy and kill at his pleasure, and that of his heirs, only reserving 100 deer in the whole walk.

They were besides the forest keepers, three in Beskwood park, which, till Edward III time, 1326, was a hay, or wood unenclosed, but since it became imparked, the general keeper of it hath had the command of the other keepers, in the same way as the general forester had when it was only a hay; Richardus de Strelley, of Strelley, was forester of it, at the time it was imparked.

There was one keeper of Nottingham park, and one for Clipston park. The 12 forest keepers were divided into the following superintendencies,—one for Mansfield, one for Mansfield Woodhouse, one for Annesley hills and Newstead, one for Papplewick, one for Rumwood and Oswald, one for Roughford, one for Billahay, one for Kirkland, one for Calverton, one for Farnsfield, one for Langton Arbour and Blidworth, and one for Sutton Ashfield. The castle and park of Nottingham were granted to Francis, earl of Rutland, Clipston park came in possession of the earl of Newcastle, who was warden of the forest in 1677, to whom

belongeth the appointment of keeper of Rumwood and Oswald. The keepership of Roughford, was the inheritance of Sir William Savile, lord of Roughford; Annesley hill, Papplewick and Newstead, were granted to Sir John Byron, lord of Newstead; the rest of the walks of the forest of Sherwood remained in the hands of the warden of the forest. There were besides, as members of the forest, several woodwards for every township within the forest and for every principal wood, one.

This celebrated forest was again preambulated a third time, in the 30th year of Henry VIII. 1539, exactly 300 years ago; its extent, and the persons by whom it was preambulated. &c. &c. are as follows:—

A preambulation of the ffrost of Sheerewood, made the ninth day of September, in the 13th year of the reigne of king Henry VIII, (by the grace of God of England and Ffrance, king, defender of the faith, lord of Ireland, and supreme head upon earth of the English church,) by Robert Brymesley, Gabriel Berwicke, Richard Perepoint, Esq. Alexander Meraing, Christopher Ffitzrandole, Robert Whitmore, John Walker, Manrite Orrell, John Garnon, John Palmer, gentlemen, Robert Levett, William Mellars, Robert Rawson, John Losscowe, John Bristow, and Robert North, rewarders of the said fforrest of Sheerewood, which preambulation begun at the king's castle at Nottingham. and passing from thence into the king's bridge, Meadow-gate, and from thence by the old Trent untill to the ancient course of the water of Leene; which is the bound between the king's meadow, and the meadow of Wilforth, and from henceforward by the said ancient course of the water of Leene, even unto the meadow called Carlam. And thence by the comon way even to the bridge upon Leene, nigh to the orchard of the Priory of Lenton. And from thence ascending by the said water of Leene, even unto the bounds of the kings village of Bulwell; and so about the king's wood of Bulwell Rise, untill the said water of Leene so coming up by the said water unto Lindby Mill, and so through the midle town of Lindby unto the cross there. And thence from the said cross by the great highway which leads to the ancient castle of Annesley, leaving the said castle on the right hand, and from thence by the said great highway into Stolegate, which leads unto Chesterfield lediate; and from thence turning out of the way a very little towards the west, by the stole stighe from the north part of Annesley field, unto a certain lane which is between Annesley-Woodhouse field on the west side, and a certain assert ground of Richard Savion, heretofore of Evans de Bretton, on the east side; and so going down through the said



lane towards the north, unto a certain corner called Nun carr; and from thence by the way between the moors of Kirkby fields unto the lane between the ffields of Hardwick and ffields of Kirkby, and thence by the said lane towards the east. And then towards the north by the house-doore of Hardwicke up to Mannswell Hedde. And from thence towards west of Hardwicke Hedge, and so goeing towards the south by the Rewarder Mere, between Kirkby-ffields, and Sutton-ffields, up unto Holebrucke house. And from thence by the hedge of Holebrucke Hawe, unto Coolegate; and so passing away by the Coppice wood of our lord the king called Ffullwood; and so by the whole bounds of Ffullwood round about up to Normanton lane, and from the said lane by the hedge of Normanton-field, up to Hawkiswell, and from thence about the ffields of Dirty Hucknall and Houthwell up to Milnford bridge; and from thence turning away by the great way from Nottingham and the water up to Heyter bridge, and by the said water going down to Plesey, and from thence by the water of Mayden unto the town of Warsop, and so through the middle town of Warsop up unto the cross there, and so directly by the way of Warsop, and by that way unto the said water of Mayden, and so by the said water towards the east, up to Mugley ffoard; and from thence goeing up towards the north unto the Heselgapp and so leaving the Crest crown on the right hand, up unto the hedge between Rumwood and crown ffields, up to the king's park, late of the abbot of Welbeck, and then goeing up by the said park unto the Owtegate fforest; which is between the said park, and the park of the earl of Shrewsbury, heretofore ford of Ffurnevall. And from the said Owtegate extending to Byards stable, and again going up between the said parks unto the road-gate, and so going down towards the east by the sand road-gate to a certain stone at the east of Warwood; and so descending a little towards the south unto a certain stone in Clumbre, and so beyond fford of Clumbre, even to a stone fixed on the east part of Glemires and on the north part of the way there; and from thence directly towards the south up to another stone, which is fixed near to the way that leads from Merrillbriggs to Owsland. And from thence up to a certain Holyn, which is nigh to Thoresbie ffields, and going down through the aforesaid ffields (viz) by the Parson Balke unto the town of Thoresbie, and from thence by the water of Meaden to Coningbiesfoard, and from thence by the great way from Blyth to Coningswath forth, and so on the west part of the town of Wellow, and from thence by the great way which leads from Nottingham into Blackstone Hew, and from thence unto the

little brooke of Doverbecke, and so as that brooke runs through the middle of the town of Cathorp, thence by the said brooke of Doverbecke where it was wont to runn of ancient time unto the water of Trent, and so the aforesaid water untill it come against the abbey of Shelford; so that the said abbey is out of the fforrest. And afterwards by the said river of Trent where of ancient time it used to run (viz) on the east side the new course now of Trent unto the mannor of Colwicke and there where the water of Trent was wont to runn. So that the limitts there called Hekin is within the fforrest; and from thence by the said river unto Nottingham bridge, called Heathbecke briggs, and from thence by the south of the meadows of Nottingham unto the castle there.

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#### CHAPTER IV.

This once thickly wooded track, of which upwards of two-thirds is now enclosed and cultivated, comprises nearly one-fifth of the county, being near twenty miles in length, and from five to seven in breadth, extending southward from Worksop manor to Nottingham, and occupying part of the three Hundreds of Bassetlaw, Broxtow and Thurgaton. This favourite haunt of Robin Hood and his daring band of freebooters, was well suited to the wandering and dangerous life of a brigand, as it afforded many secret and almost impenetrable recesses, having numerous rocky caves, and being, as Camden says, "anciently thick set with trees, whose entangled branches were so twisted together that they hardly left room for a person to pass." In the reign of Elizabeth, 1568, when Camden wrote, it was much thinner of wood, but it still bred "an infinite number of deer and stags with lofty antlers." That our woods were often cut down merely for the sake of tillage and pasturage, without any respect to the uses of timber, seems to be evident from the great quantities of *subterraneous trees* dug up in various parts of England; these are chiefly found in marshy grounds, which abounded every where, before the art of draining was in use, and nothing was necessary in such places to produce the future phenomenon of subterranean timber, but to carry the trees, when cut down, upon the surface of some bog, which might easily be done in dry sum-

mers. Dr. Plot, and some other local historians, are of this opinion, and adduce several reasons for supposing that trees might have been buried in this way to make room for the plough, and they also imagine that the English might begin to clear their lands for tillage as early as the reign of Alfred the Great.

Leland does not seem to have paid much attention to "the woody forest of Sherwood," but Thoroton, nearly a century afterward, tells us that "the pleasant and glorious condition of this noble forest is now wonderfully declined;" and, he adds, "there is at present, (A. D. 1675) and long hath been, a justice seat held under my lord's grace the duke of Newcastle, justice in eyre of all his majesty's forests north of Trent, wherein it seems his deputies or lieutenants have allowed such and so many claims, that there will not shortly be wood enough left to cover the *bilberries*, which every summer were wont to be an extraordinary great profit and pleasure to the poor people who gathered and carried them all about the country to sell." Notwithstanding this early devastation, there is still sufficient woodland scenery in some parts of the forest to convey a tolerably accurate idea of what was once a forest life. Gilpin, in his "Forest Scenery," says that Sherwood was the frequent scene of royal amusement, and as early as the reign of Henry II. Mansfield was the general residence of the court upon these occasions; and it was near that town where Henry became acquainted with the miller of famous memory, Sir John Cockle, as is recorded in an uncouth rhyming tale, preserved in "Percie's Reliques," and in Dodsley's dramatic entertainment, entitled the "King and Miller of Mansfield," both of which are generally considered as fabulous legends.

This forest possesses every variety of sylvan scenery, consisting of pasture and woody tracts, intermixed with cultivated enclosures and wild heaths, which are sometimes bounded by a naked line of horizon, and at others skirted with towering woods, scattered oaks, and young plantations. The open heath with its accompaniments may be traced through the broad tracts which lie between Bestwood and Mansfield, skirting Newstead Abbey, and extending eastward to Oxton and Farnsfield. The wild expanse overgrown with gorse and fern, and skirted with woodland scenery, may be traversed between Mansfield and Ollerton, round Edwinstow and Rufford, including the pastoral scenery of Clipstone park; but the most varied scenery of this extensive forest, consisting of thickening foliage intermixed with open lawns and breaks of cultivation, is to be found round Warsop and Carburton, skirting the four noble and extensive parks of Welbeck, Worksop, Clumber, and Thoresby, and extending to the

northern limits of the forest betwixt Worksop and Retford. The wild scenes in this part of the forest are finely contrasted on their eastern limits, by the richly cultivated country, extending from Haughton park to Southwell, where the ground is sufficiently broken to add the picturesque to the beautiful.

Among the many large and venerable trees which are objects of curiosity to the botanical tourist, the most remarkable are the *Greendale oak*, (which is 700 years old, and has a coach road cut through it,) the *duke's walking stick*, 111 feet high, and 11 tons in weight; the *two porter's*, 38 and 34 feet in circumference; and the *seven sisters*, all of which are situated in Welbeck park. *Parliament oak*, on the west side of Clipstone park, is so called from a tradition of a Parliament having been held under it by Edward I., but this is an error which arose from Edward holding a Parliament in Clipstone palace, the ruins of which are distant one and a half miles from this aged oak, of which nothing but the hollow trunk now remains. Near the north end of Clipstone park is *broad oak*, which measures  $27\frac{1}{2}$  feet in circumference; and near Blidworth is an ancient *elm*, called Langton arbour, and which, some centuries ago, was sufficiently remarkable to give name to one of the forest walks. In cutting down some of the timber in Birkland and Bilhagh, at the close of the last century, letters were found cut or stamped in the body of the trees, denoting the king's reign in which they were thus marked; this is supposed to have been done by the bark being cut off and the letters cut in, after which, the next year's wood grew over the inscription without adhering where the bark had been removed. The cyphers thus found were of James I., of William and Mary, and one of king John; the latter was eighteen inches within the tree, and more than a foot from the centre, so that the tree must have been planted above a hundred years before John's reign, and when it was cut down in 1791, must have been about 706 years old!!!

The present state of the woodlands of this forest, and of its modern plantations, is a subject of national importance, especially when we consider that no timber is so suitable for naval purposes as English oak. That Britain, by proper care and attention, might, in fifty years, be able to supply her own wants in this article, is a truth, which we believe will not be denied, and that without interfering with land fit for agricultural purposes; at least whoever traverses this district must confess that much of it, which is unfit for tillage, might be very beneficially planted with forest trees, and indeed much of this has already been done, as will be seen by the following survey of the old woods and modern

plantations. The late major Rooke tells us, that until the beginning of the last century, Sherwood was full of trees, and was then one continued wood from Mansfield to Nottingham; but this tract is now cleared, and the only remains of ancient woodland are principally in the hays of Birkland and Bilhagh, which form an open wood of large and venerable oaks, free from underwood, (except in one part where some natural birch is growing) and most of them in a state of decay. Part of these hays are in Thoresby park, whence they extend westward to Warsop and Clipstone, being about  $3\frac{1}{2}$  miles in length, and  $1\frac{1}{2}$  in breadth, or about 15,000 acres. In 1790 they contained only 10,117 trees, value at about £17,000; and since then the axe of the woodman and the scythe of time have stripped them of many of their sylvan ornaments. Clumber park contains the remains of two ancient woods, which were called Clumber and Hardwick woods; there are some other old woodland districts of small extent, consisting of Harlow wood, Thieves wood, and some scattered portions of the Mansfield woods, which, however, can boast of very little valuable timber.

The enclosed parks of Worksop manor, Welbeck, Clumber, Thoresby, Rufford, Clipstone, and Newstead, still retain many august specimens of the ancient forest oaks, which in many places are beautifully diversified by the slender and pendent branches of the silver-coated birch. *Thorney wood chase*, which occupies the southern division of the forest, is now nearly all enclosed; it was well stocked with *fallow deer*, as the other parts of the forest were with *red deer*, but these are now only to be found in the enclosed parks of the nobility and gentry, who, during the late war, made many extensive plantations, some of which they honoured with the names of our naval heroes.

The duke of Portland's extensive plantations in the neighbourhood of Welbeck, are in a flourishing state, and may be seen at a great distance, whilst the scraggy oaks in Thieves wood, betwixt Mansfield and Newstead, have been filled up with young plants, which are now springing up to form an union with several other of the Portland plantations. On the highest part of the forest, called *Cock's Moor*, a plantation of 40 acres was made about 27 years ago, and 45 acres in Norton forest were, about the same time, sown with acorns and chesnuts, which are now in a thriving state, as also are two large clumps of ever-greens, one circular and the other square, planted by the second duke of Kingston, at the west end of Birkland. Earl Manvers and his family have made many plantations about Thoresby since it came into their possession. One of these, partly forest trees, and partly firs, is called

*Hove grove*, in honour of "The glorious first of June;" another at the eastern extremity of the assarts, adjoining Thoresby park, is named after earl St. Vincent, and there is another on the boundary of Budby forest, called Duncan wood, which, with some steeps on the forest side of the park, called Portland grove and Bentinck border, form the whole of the Thoresby plantations on that side. The extensive plantations at Rufford, bordering on the forest, were begun by the late patriotic Sir George Saville, and have been greatly increased and improved by the present possessor. The Right Hon. Frederic Montague also made several plantations on his part of the forest, near Newstead, chiefly of oak; the first of these, on the west side of the road leading to Nottingham, is called the *Hove plantation*, and five others are distinguished by the honourable names of Spencer, Nelson, St. Vincent, Warren, and Duncan plantations. South of these Henry Cope, Esq., about 25 years ago, erected a good house, and formed several extensive plantations, which are now highly ornamental. On the eastern limits of Sherwood, near Farnsfield, Sir Richard Sutton, Bart., made several large plantations about the same time, and in one of them he erected an elegant building in the Turkish style, which commands a most extensive prospect. Some large clumps of firs and larches, near Kirkby, were planted by the late Sir Richard Kay, Bart. Near the northern extremity of Sherwood are several large plantations, formed by Earl Bathurst, also about 50 acres of oak and other forest trees, planted by Robert Ramsden, Esq. of Carlton, and others of a still greater extent round Osberton, planted by F. Foljambe, Esq.; so that from the laudable exertions of the principal land owners, there is reason to hope that nearly all the unenclosed parts of this extensive forest will again be embowered, and that succeeding generations will long have occasion and opportunity to venerate the majestic oaks planted by their ancestors, as monuments of British valour; for many of the plantations, bearing the names of departed heroes, have handsome stone pillars, with suitable inscriptions, erected on the most elevated spots.

According to a survey of Sherwood Forest made in the year 1609, it contains 95,115 acres, of which 44,839 acres were then enclosed; 9,486 in woods; 35,080 in waste; 1,583 in Clipstone park; 3,672 in Bestwood park; 326 in Bulwell park; and 129 in Nottingham park. From 1789 to 1796, the following enclosures took place, viz.: 2,280 acres in Arnold parish; 1,158 in Basford; 2,608 in Sutton-in-Ashfield; 1,941 in Kirkby; and 261 in Lenton and Radford. Since then, many large portions of the forest in Lambley, Gedling, and other parishes, have been enclosed,

so that out of the 95,115 acres, contained within the ancient limits of the forest, upwards of 60,000 acres are now cultivated, and the remainder is partly in woods, plantations, and wastes.

Sherwood, or as it was formerly called Shirewood, from its being the great woody forest of the shire, was anciently divided, or rather known by the names of Thorney-wood and the High Forest, which were afterwards sub-divided into three walks. According to the survey of 1609, the NORTH WALK includes Carburton, Gleadthorpe, Warsop, Nettleworth, Mansfield-Woodhouse, Clipstone, Rufford, Edwinstowe, Budby, Thoresby, Palethorpe, and Ollerton, with the hays of Birkland and Bilhagh. The MIDDLE WALK—Mansfield, Pleasley Hill, Skegby, Sutton, Hucknall, Fulwood, Blidworth, Papplewick, Newstead, and parts of Kirkby, Linby, and Annesley; and the SOUTH WALK—Nottingham, Radford, Sneinton, Colwick, Gedling, Stoke, Carlton, Burton, Bulcote, Gunthorpe, Caythorpe, Lowdham, Lambley, Arnold, Basford, Bulwell, Bestwood, Woodborough, Calverton, Sautesford Manor, and part of Wilford.

Sherwood is the only forest, north of the Trent, which now belongs to the crown, from which the lord warden (at present the duke of Newcastle) holds his office by letters patent during the royal pleasure. A *bow bearer* and *ranger* (a) is appointed by the lord warden, and the freeholders elect four verderers, who hold the office during their lives, and receive two guineas each at the enclosure of a break, and a tree out of the king's hays of Birkland and Bilhagh, yearly. They have also the appointment of nine keepers, who have each separate walks, and a salary of £20 paid by the lord warden out of the fee farm rent of Nottingham castle; there is also a steward for the whole forest, and two sworn woodwards for Sutton and Carlton. Thorney wood chase being a branch of the forest, was granted by queen Elizabeth in 1559, to John Stanhope, Esq. as *hereditary keeper*, which office is now enjoyed by the earl of Chesterfield. The king's surveyor general of the woods has also a jurisdiction over this forest, as far as regards the wood and timber of the crown, he has a deputy in the forest, who has a tree yearly, and a salary of £20, paid out of the sales of wood. The soil of the forest is understood to have been granted by the crown to different lords of manors, reserving only "*the vert and venison*," or trees and deer, but the latter are now to be found only in the enclosed parks, though within the memory

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(a) This office was held by the late lord Byron.

of persons living thirty years ago, herds of a hundred or more might be seen together in the open woodlands and heaths.

On the north side of Harlow hill, between Mansfield and Newstead, is a large square pillar, on which was formerly a brass plate, with an inscription; tradition says that this pillar, which is evidently the remains of an ancient cross, marks the place where the forest officers of the crown assembled annually, on Holyrood day, early in the morning, to receive the charge of the lord chief justice in eyre, to view fences, and take an account of the deer, in order to make their presentment at the *swain mote* court, which was held on that day at Mansfield; but all that now remains of this custom, is an annual dinner at the Eclipse Inn, in Mansfield, to which the verderers invite all the principal inhabitants of that town, and its vicinity.

We have now completed our delineation of this great forest, except what properly belongs to the following general survey of the climate, soil, surface, produce, rivers, canals, and of the county at large, which will be attended to in another place.

The climate of Nottinghamshire, is by all writers, even of the earliest date, considered as much drier than that of most other counties in the kingdom. By a comparison of different years and different places, this opinion has met with a considerable degree of confirmation sufficient to establish it as a general meteorological fact. In the year 1794, the quantity of rain which fell at West Bridgford was only  $26\frac{1}{2}$  inches, in 1795 it was  $24\frac{1}{2}$  inches, and in 1796 only 18 inches, while in Lancashire it amounted to  $96\frac{1}{2}$  inches. In 1825, the quantity of rain which fell at Retford was 28.31 inches; but at Kendall, in Westmoreland, during the same year, it amounted to 59.973 inches. Mr. Lowe in his agricultural survey, has accounted for this difference upon very rational grounds, conceiving, that although the greatest rains come with the easterly winds from the German ocean, yet the surcharged clouds being powerfully attracted by the mountains of Derbyshire, pass over this county too quickly to deposit much of their moisture; whilst on the other hand, the clouds from the western ocean and Irish channel, are attracted and broken by the Yorkshire and Derbyshire hills, before they arrive at Nottinghamshire. This general dryness is considered favourable to the temperature of the county, and brings it nearly upon a par with the more southern counties, in respect to seed-time and harvest.



## CHAPTER V.

Henry II. in addition to other acts of his royal favour, gave a charter of certain privileges to the burgesses of Nottingham, and is the *first charter* of which we have any record, the following is a translation from the original document.

“Henry, king of England, duke of Normandy and Aquitain, count of Adegavia, to the archbishops, bishops, viscounts, barons, sheriffs, ministers, and all our faithful subjects, Frenchmen and Englishmen, of all England, *greeting*. Know ye that I have granted, and by this my charter have confirmed to the burgesses of Nottingham, all those free customs which they had in the time of king Henry our grandfather, namely Tol, Theam, Infangentheof, and Thelonia, (a) from Thurmaston (supposed Thrumpton) to Newark, of all persons passing the Trent, as fully as in our borough of Nottingham, and in the other part in the brooke beyond Remston to the water of Radford (supposed now Retford) in Nottinghamshire. The men of Nottinghamshire and Derbyshire ought to come to the borough of Nottingham on Friday and Saturday with their teams and horse loads. No one ought to work dyed cloth within ten leagues in the circuit of the town of Nottingham, unless within the borough of Nottingham. And if any one, from whence-soever he may come: shall be and remain in the borough of Nottingham *a year and a day*, in time of peace, without molestation, no one afterwards but the king shall have jurisdiction over him. And whosoever of the burgesses shall buy land of his neighbour, and shall possess it for one whole year and a day, without molestation, of the relations of the vendor, (if such kindred shall be in England) shall afterward possess it quietly. Nor shall any one of the burgesses, unless criminally accused, answer to the reeve of Nottingham, unless there shall appear a prosecutor for the offence. And whosoever shall remain in the borough, of whatever demesne he shall be, ought to pay taxes to make up the tribute and deficiencies of the borough with the burgesses. Also all those who shall come to Nottingham market from the afternoon of Friday to the afternoon of Saturday, shall not be distrained, but for the rent due to the king. And the passage of the Trent ought to be free to all navigators, as far as one perch in breadth shall extend

[(a) For an explanation of the terms of Tol, Theam, Infangentheof and Thelonia, see p 98.]

on both sides of the course of the water. And we will, and firmly enjoin that the aforesaid burgesses shall have and hold the aforesaid customs well and in peace, and freely, and quietly, and honourably, and fully, as they had in the time of king Henry, our father,

*These persons being witnesses to  
this grant, 1156.*

WILLIAM OF BRASIC  
WILLIAM OF CAISNOW.  
WILLIAM OF LANNALES.  
RAMILPHUS BEING SHERIFF.

From this charter we learn, First,—at this early period, which may be called the infancy of English history, that Nottingham was a manufacturing town, not of light fabrics as at the present day, but of woollen cloths, which appear to have been made here prior to any being manufactured in Leeds. Second, that the counties of Derby and Nottingham were united under one sheriff, and that not only were assizes for the two counties held here, and here was the common prison, but Nottingham was the market town for the two counties, and the two markets were held on Friday and Saturday. Third, that any person coming or returning from this market on either Friday or Saturday should not be arrested for any debt save to the king. Fourth, that any freeman coming and residing in the town, from any part of the kingdom, should be compelled to bear his part of the public burdens of the town of every kind. Fifth, that every householder after a residence of twelve months and a day, should be sworn, enrolled, and admitted to exemption from tolls in this town and elsewhere, enjoying all the privileges of a burgess. Sixth, the charter was given not to a *corporation* (for as yet there was not a municipal corporation in England) but to the burgesses resident in both boroughs, and to them alone expressly by name, by whom the quiet possession of real property in the borough for twelve months and a day was considered as constituting a good and sufficient title to it in all time afterwards. Seventh, the trial and punishment of all felons, &c. in the borough; and lastly, the right of taking toll, according to the custom in boroughs in those times, from which imposts by this charter the burgesses were expressly freed.

The fidelity of the burgesses of Nottingham to the cause of Henry II., when his unnatural son rose up in rebellion against his too indulgent parent, so endeared this place to him that his whole soul seems to have gone out towards them, and if, as some have

said, the earl of Derby *burnt* the town, as well as pillaged it, Henry II. acted the generous part of a good Nehemiah towards it, re-building the Trent bridge, the town wall, setting up the gates, residing amongst the inhabitants, making them the objects of his royal bounty, and bestowing upon the people a charter of peculiar privileges, &c.; we think there is a strong probability that to him Nottingham is indebted also for the re-building of the churches, and the present St. Peter's and St. Mary's (except the western part of the latter, which was erected by Edward III.) we think may safely be ascribed to this munificent benefactor of Nottingham, and though every historical document has perished in the lapse of time, that might have given a direct confirmation of this, which we consider a fact; there are so many incidental circumstances which appear to countenance and confirm the supposition—the burning of the town by the duke of Gloucester, 15 years before, its general desolation when Henry II. ascended the throne, his coming and residing here, giving a charter, re-building the town and its walls, &c. &c., he would not leave the churches in ruins, or build them of any frail material, though they might have been composed of wood before, yet like the wall, he would build the churches of stone, and in a style of elegance worthy of such a prince. In the absence of direct testimony to the contrary, we think the honour of re-building the churches must be given to him, and would be difficult to ascribe it to any other. The last act of any importance done by Henry II., in Nottingham, was the calling of a Parliament together, which met in the castle, A. D. 1174, at which time it was ordered that justice should be made as *cheap* and *expeditious* as possible to the people, carried into every district by judges appointed by the crown, that there ought to be a more frequent jail delivery of prisoners than had hitherto been practiced, some of whom had lain for years in the horrid prisons of those early times without being brought to trial; nothing was more common than for persons accused of crime dying after lengthened periods of imprisonment, without having been brought to trial.

At this Parliament held here, it was enacted, that England should be divided into *circuits*, each of which should be visited by three judges, who should itinerate from one place to another at stated times, and holding assizes at each place; this humane and wise regulation is still observed, and the honour of the place, where originated 665 years since so beneficial a custom as sending out itinerant judges of assizes, belongs to Nottingham.

1189, July 6th, of a broken heart, caused by his rebellious sons, at the castle of Chinon, near Saumur, died the wise and

good Henry II., aged 58, benefactor of Nottingham. He had but four sons, and every one had been in arms against their revered parent; like a good man as he was, on his death-bed he pardoned all who had taken up arms for his son Richard against him, and when a list of the baron's names was handed to him, was astonished and overwhelmed with grief when he read the name of John, his darling son and constant favourite, being amongst the traitors; his sorrows bled afresh, his grief was more than his amiable nature could bear, this last wound was deeper than any he had received before, and it is said he broke out in language of the utmost despair, and like another Job, cursed the day he was born.

After his father's death, John showed no more fidelity to his brother, Richard I., than he had done to his father previously; Richard going to Palestine in a *holy crusade*, it became necessary to appoint a regency in the absence of the sovereign, here John had the mortification to see his hopes frustrated, for in the great council that was held at Pipwell, in Northamptonshire, the king formally appointed Hugh Pudsey, the bishop of Durham, to be rector, regni, and procurator regni, but he included with him in the commission of justiciars, William de Mandevill, earl of Albermarle. This great earl, however, soon after quitting England, left the bishop in the sole possession of the high office, but he did not retain it long, for his authority was first of all weakened and subdivided by Richard before he set out on his expedition, and finally during the king's absence, while he was yet in Normandy, wrenched from him altogether, by the much abler hands of Longchamp, bishop of Ely, and chancellor of England, which office was included, as part of his bargain with the king for the earldom of Northumberland, and lordship of Sadburgh, poor Pudsey, honest man, had paid a great deal of money for nothing, but Richard was not over nice about breaking his word, so that he could fill his coffers.

To satisfy the well known craving of his brother John, beside the earldom of Moreton, in Normandy, Richard bestowed upon him the earldoms of Cornwall, Dorset, Lancaster, Gloucester, Derby, and Nottingham, forming together, not less than a *third* of the whole kingdom.

Still John was unsatisfied as before, with nothing less would he be content than the *sovereignty* of the kingdom, therefore, as soon as he knew Richard had departed the island of Sicily, beyond which the real perils of the crusade were supposed to begin, John began to assume the state and bearing of a heir apparent, about to enter on his inheritance; John knew that Richard had named his nephew Arthur, for his heir, that circumstance irritated, without dis-

couraging him ; he felt that a child would be no formidable rival, if he could only dispose of bishop Longchamp, the chancellor, who was bent on doing his master's will in all things, and who opened a treaty with the king of Scotland, to support Arthur's claims in case of necessity.

Gerard de Camville, a factious baron, and a partizan of John, claimed the custody of Lincoln castle, which he kept in defiance of the regent's authority. Raising an army, Longchamp marched to Lincoln, but while he was besieging the castle, John put himself at the head of a still more numerous army, and attacked the royal castles of Tickhill and Nottingham, and took both of them after a short siege of two days ; he then marched to Lincoln, and raised the siege there, in a short time he humbled Longchamp, and Oct. 9th, 1191, it was decreed by what was called the unanimous voice of the bishops, earls, barons, and citizens of London, that Longchamp should be deposed, and that John should be proclaimed "The chief governor of the whole kingdom."

Richard failed in rescuing the holy sepulchre of our Lord, (as the object of the holy crusade was stated to be), having lost his money and his army in Palestine, as he was returning was taken prisoner at Erperg, a village close to Vienna, by a band of Austrian soldiers, who surrounded the house where he was sleeping. Surprised and overpowered as he was, Richard drew his sword, and refused to surrender to any one but their chief. By Leopold, duke of Austria, Richard was loaded with irons, and cast into the dungeon of Fiernsteign. Nothing could be more agreeable to John than the news of the imprisonment of his brother, and he openly rejoiced at the intelligence, but Richard's English subjects voluntarily renewed their oaths of allegiance to him. Then, indeed, was the pride of England humbled, when her sovereign was held a captive, chained in a dungeon in a foreign land, and though his ransom was only 150,000 marks, (a) John and his party took all possible means to prevent the money being raised. Richard was a great favourite among the nations, and all Europe was disgusted with the baseness of John, and the emperor Henry VI. John secretly offered more money to the Germans to keep his brother in prison, than they asked for his ransom. Richard was a poet, as well as a warrior and king ; the following stanzas are from Mr. Ellis's translation of a mournful poem written in his dungeon by the enchained monarch:—

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(a) A Mark was of the value of 13s. 4d. <sup>1</sup>

" If captive wight attempt the tuneful strain,  
 His voice, belike, full dolefully will sound;  
 Yet, to the sad, 'tis comfort to complain.  
 Friends have I store, and promises abound,  
 Shame on the niggards ! since these winters twain  
 Unransom'd, still I bear a tyrant's chain.  
 Full well they know my lords and nobles all,  
 Of England, Normandy, Guinne, Poictou,  
 Ne'er did I slight my poorest vassal's call,  
 But all whom wealth could buy from chains withdrew  
 Not in reproach I speak, nor idly vain,  
 But I alone unpitied bear the chain.  
 My fate will show, ' the dungeon and the grave  
 Alike repel our kindred and our friends."  
 Here am I left their paltry gold to save!  
 Sad fate is mine ; but worse their crime attends,  
 Their lord will die ; their conscience shall remain,  
 And tell how long I wore this galling chain."(a)

Through the fidelity of Longchamp, principally, the money was ultimately raised by Richard's friends in England ; he was set at liberty from his vile captivity February, 1194, and landed at Sandwich, March 13th, after an absence of more than four years ; and in three days from the time he landed, headed such troops as he could get ready, and joined the besiegers of Nottingham castle.

Richard's friends having taken all the castles that held out against him, except two, Tickhill and Nottingham, in which latter place John was holding his royal pavilion, and with a fatality not quite peculiar to himself, was most confident when he had least ground for it, refused to make a timely submission ; no doubt he was sure that not all the forces of Richard could ever reduce his castle at Nottingham. Earl David, brother of the king of Scotland, Ranulph, the old earl of Chester, and earl de Ferrers, however, with a part of the king's forces, came here and besieged John. (b) And because the commanders in the castle did not send any message of submission or explanation of their conduct to the king, taking it as a defiance of the royal authority, Richard became exceedingly enraged at such wickedness, determined to come in

(a) Richard was in captivity 2 years and 6 months. (b) This was the fifth siege the castle had sustained since the Norman accession—William I., Henry II., duke of Gloucester, earl of Derby, and Richard I.

person, and carry the place by storm. Accordingly on Friday, March 26th, 1194, the day of the annunciation, Richard arrived in Nottingham with his army and a great multitude, the band playing the most lively military airs, as the king's forces entered the town; it is said so loud was the clarion of their trumpets and horns, that the besieged were astonished and seized with terror, yet could not believe the king was present, but thought this show was made by the besieging barons to intimidate those who held the castle.

Richard assumed command of the siege, and took his station so near the castle, that one of the archers from it shot a man that was standing close to the king; perceiving his danger, and the determined resistance of the party with John in the castle, the king put on his armour, and with the bravest of his troops renewed his attack, and a severe conflict ensued, attended with dreadful carnage on both sides. Richard having put himself at the head of his infantry, fought hand to hand, and foot to foot, and with the heart of a lion, led on the boldest of his men into the hottest part of the fight. Nothing could resist the impetuosity of the gallant king's charges, he forced back the garrison into the castle, took some of the outworks which had been erected, and the outward gates of the fortification he burnt with fire.

Hubert, archbishop of York, with his forces, arrived this day, and joined those of the king. Richard had been a man of war from his youth, and though still young, possessed all the experience, courage, and prudence of a veteran in war. After the fight of the first day was over, and the survivors were attending to the wounded, and burying the dead, the king was inspecting the fortress, and fixing on the point and mode of attack on the coming day, if the necessary engines could be prepared in time, and if not, as soon after as possible.

To raise the enthusiasm of the soldiery to the highest pitch by showing his confidence in carrying the castle by storm, erected a *gallows* near the fortification that in the morning had been in the possession of the enemy, and in sight, not only of his own troops, but also of the besieged in the castle, to whom it was intended to point out a certain and ignominious doom.

While thus engaged, another military bishop arrived—it was Richard's faithful friend and favourite, Hugh, bishop of Durham, and the party under his command at the siege of Tickhill castle, bringing the prisoners along with them they had taken at the time it fell into their hands.

Seeing the bishop approach, Richard went out to meet him, which, Durham perceiving, dismounted his war-horse, intending

as a token of his humility, to meet his sovereign on foot, who could not witness the lowliness of his subject unmoved, dismounted from his charger also, and running towards the good bishop, kissed him, and wept on his neck a good while.

Both the king and Durham having re-mounted, approached and entered the royal pavilion, where the bishop dined with the king and his nobles. Here we meet with a circumstance, which happily rendered any further bloodshed or military preparations unnecessary in this siege,—while the king was sitting at table with his nobles, a message was announced from the castle; Ralph Murdoc, and William de Wendeval, the constables of the castle, had sent two of their companions to speak with the king. The subject of the message did not transpire, or what answer was returned to them by the king, but after the messengers had returned to the castle with the king's answer, William de Wendeval, and Roger de Mantbegun, with twelve others, at once resolved to cast themselves on the generosity of their sovereign, and for this purpose left the castle that night.

This was the signal for its surrender, which was soon effected through the seasonable and judicious mediation of Hubert, the archbishop of York; Ralph de Murdoc, Ralph de Worcester, and Philip de Worcester, along with the rest of the garrison, surrendered the castle and themselves to the king, humbly beseeching him, in his clemency, to spare their lives, the members of their persons, and those of their families, and their estates, which the king was graciously pleased to grant. No doubt the gallows had done its part in bringing about the surrender, though we do not read that one person was hanged upon it. The sovereign entered and took possession of the castle of Nottingham, (from which John had contrived to escape), on the 29th of the same month, after having besieged it only two days. Richard afterwards made a feast to his nobles and gallant knights; and in that place, where two days before, impurpled carnage did its work of blood, and dreadful apprehension spread despair around, was changed, as if by magic, if not to revelry, to a scene of gay festivity and mirth.

“ Illumining the vaulted roof,  
A thousand torches flamed aloof;  
From many cups, with golden gleam  
Sparkled the red metheglin's stream;  
To grace the gorgeous festival,  
Along the lofty window'd hall,  
The storied tapestry was hung.  
With minstrelsy the rafters rung



Of harps, that from reflected light  
From the proud gallery glitter'd bright,  
To crown the banquet's solemn close,  
Themes of British glory rose ;  
And to the strings of various chimes,  
Attemper'd the heroic rhymes."

Richard, temperate and active, was, the next day, when he had put off his armour, following the sports of the field in Sherwood, his late father's royal forest ; he went as far as Clipstone, and returned the same day to the castle in Nottingham, expressing himself well pleased with the forest, which that day he had seen for the first time.

Richard was not, however, so intent on pleasure, or engrossed in war, as to neglect the business of state,—he did not forget he was a king ; on the 31st he held his council, or Parliament in the castle. Amongst other illustrious persons present, were Hubert, the venerable archbishop of York, Hugh, bishop of Durham, William Longchamp, bishop of Ely, the king's chancellor, William, bishop of Hereford, Henry, bishop of Exeter, John, bishop of Cambrida Casa, in Scotland, earl David, brother of William, king of Scotland, and above all queen Eleanor, the mother of the king ; the council sat three days. In this honourable assembly the king demanded judgment against his brother John and his accomplices, for their traitorous enterprizes against him, and his company. Whereupon it is said judgment was given that John and the other principals should have summonses peremptorily given them for their appearance, and if within 40 days after such summons they came not to answer all complaints informed against them, earl John should forfeit all the lands, and whatever he held within the kingdom, and the others should stand to such censure as was awarded them by the said Parliament.

John not appearing within the limited time, the king caused a sentence to be passed against him, confiscating all his lands, and declaring him incapable of succession to the throne. However, such was the forgiving generosity of this noble prince, that he frankly forgave him all his treasons, and restored all his forfeited earldoms the very next year, 1195, Richard being at Rouen, the capital of Normandy, the dowager queen Eleanor introduced John, who throwing himself at his brother's feet, solicited his pardon. The king received him civilly, as he had promised his mother, but intimated to him that he was not satisfied of the sincerity of his repentance, saying, as he raised him up, "I forgive you, and hope I shall as easily forget your offences, as you will my pardon."

John soon after this returned to his favourite residence, the castle of Nottingham, in which he had lived and held in regal splendour during the absence of king Richard, on his unfortunate expedition to Palestine.

Four years after this, Richard died by the hand of a youth, while besieging the castle of Vidomar; viscount of Limoges, his vassal, who, having found a treasure in his domains, refused to give up the whole to Richard, who claimed it as his superior lord. While reconnoitring the citadel to discover the most vulnerable point of attack, a lad, Bertrand de Gurdun, shot him; the arrow breaking off in his left shoulder, where it had smitten him, induced gangrene, so that Richard died in anguish, in the flower of his age, April 6th, 1199, aged 42 years, and the 10th year of his reign.

At this time John was in Normandy, and had never been popular in the nation, but contrived by violence to force his way to the throne. Arthur, a young boy, aged 11 years, son of Geoffry, an elder brother, being heir to the crown, and also by the will of the illustrious Richard, it was his right, soon fell into the hands of John, his uncle, who, it is said, ordered his eyes to be burnt out, that he might be unable to succeed to the throne, as Henry I. had done to his elder brother Richard; some say Arthur was starved to death in Corfe castle; there is no doubt the poor orphan was murdered by his uncle, before he had attained his fifteenth year.

King John was again at Nottingham in the first year of his reign, as may be inferred from his charter to the burgesses of Nottingham, which is dated at Clipstone, the 19th day of March, A. D. 1199. and the first of his reign.

“John, by the grace of God, king of England, lord of Ireland, duke of Normandy and Aquitaine, and earl of Angers, to archbishops, bishops, priors, abbots, earls, barons, justices, and to all his bailiffs and faithful subjects of *all* England *greeting* :—

“Know ye then that we have granted, and by this our charter do grant to our burgesses of Nottingham, all those free customs which they had in the time of kings Henry our grandfather, and Henry our father; as by the charter of Henry our father doth appear (to wit) that they have Thol, Theam, Infongethes, Theolonia, from Thrumpton to Newark, and of all things passing over the Trent, in as full a manner as within the borough of Nottingham on the south, and on the north from the brooke beyond Rempstone to the river of Retford and Vicker's dike. That the men of Nottinghamshire and Derbyshire come to the borough of Nottingham on Friday and Saturday, with their waggons drawn with

four horses, and their horse loads; nor shall any persons dye cloth, unless within the borough of Nottingham, and within ten miles thereof. And if any person, (in the time of peace) whencesoever he come, and not demanded of his lord, continue in this borough a year and a day, no one shall afterwards have lawful claim of him, except the king himself. If any burgess shall purchase land of his neighbour, and shall have possession thereof a year and a day, without any demand of the kindred of the seller (they being in England) he shall afterwards have quiet possession of the same, nor shall he answer any charge before the reeve of the said borough, unless there be an accuser. And of whatever demesne a man be, if he abide within the borough, he shall pay the rates, and continue to make up the deficiencies of the same. And all who shall come to Nottingham market shall not be distrained from Friday evening to Saturday evening, unless for tribute due to us. And the passage of the (*Trent*) shall be free for the purpose of navigation, one perch on each side the water. And we furthermore, of our own proper gift, and by this our charter, do confirm to our said burgesses, a merchant guild, with all the privileges and free customs incident, and that do pertain thereto; and that they be free of toll throughout our land, as well in, as out of marts, and that they have power of themselves, at the end of the year, from among themselves, to appoint a reeve to answer for them the tribute due to us. Nevertheless, if such reeve be displeasing to us, we shall remove him, and they must appoint another in his stead, agreeable to our will. And we have likewise granted to the said burgesses, that such reeve, so appointed, shall pay our tribute of the said borough into our exchequer, wherever it be in England, at two terms, (to wit) one-half at the close of Easter, the other at the octave of Saint Michael:—wherefore it is our pleasure, and we do strictly command, that the burgesses aforesaid truly, honourably, quietly, and peaceably enjoy the same, in as full and ample manner as in the time of Henry our grandfather, and Henry our father, together with such other privileges as we have granted:—and we furthermore forbid any one to interfere with, or presume to molest the said burgesses in any manner contrary to the meaning and intent of this our charter, under the penalty of forfeiting ten pounds, as we by our reasonable charter have granted and confirmed to them when earl of Morton.”

*Witness,*

G. SON OF PETER, EARL OF ESSEX,  
W. BREVERE.

HUGO BARD.  
 B. SON OF ROGER.  
 W. DE STUDWILL.  
 HENRY DE NEVILL.  
 S. DE PATER.  
 G. DE NORFOLK.

“ Given under the Hands of

SIMON, ARCHDEACON OF WELLS.  
 JOHN DE GREY, ARCHDEACON OF CLIVELAND.

“ At Clipston, the Nineteenth day of March, in the first  
 Year of our Reign.”

From hence it will be seen that the former part of this charter is precisely the same as the one granted by Henry II. There is no mention of any corporation, or *select body*, but the charter is given to the *burgesses* by name, as that of Henry II., which preceded it. The following are *additional* privileges conferred on the burgesses by the charter of king John:—

1. A merchant's guild, with all the privileges and free customs incident, and that pertain thereto.

2. To be free from toll throughout the land.

3. The power to appoint a reeve from among themselves.

The free navigation of the Trent was confirmed to the burgesses in the same manner as had been the case with the previous charter of Henry II., and a perch, or  $5\frac{1}{2}$  yards of land on either side the river, was given for the passage of navigators. There is no mention made of the ancient privilege of *fishing* in the Trent having been restored to the burgesses, which had been taken from them by William the Conqueror, and given to William de Peverel, so that the complaints of the burgesses, which no doubt had been submitted to the former by humble petition, had not been regarded by the sovereign. Mr. Blackner informs us, (p. 261) that various reasons tend to prove most clearly that the burgesses obtained their land by a *compact* with the *merchant's guild*. But after a most attentive consideration of this subject, we cannot discover any reason for supposing that the burgesses ever had had their lands alienated, or that an acre of land was vested by the crown in the merchant's guild. How then could they confer upon others that which they never possessed themselves? That the *Folkland* belonged to, or rather was tenanted by the free residents of the town,

cannot admit of a doubt; because under both the Saxons and Normans they paid the stipulated fee farm rent for it to the crown, which was £18. in the time of Edward the Confessor, but raised to £30. by William I. Mr. Blackner adds, (p. 257) "It is singular that no writer has attempted to show how the burgesses of Nottingham became possessed of the land, which at certain times of the year they inherit as their own." But what singularity is there in no previous writer having accounted for the possession of the lands in question, when it was well known, that not only this but every ancient city, or town, had, and must have had its *common land*, from the time of the Britons. Why then should we look for that necessary appendage of a borough residence being conferred upon burgesses, which, beyond all legal memory, they had held in perpetual succession? What could Mr. Blackner suppose the charter of William and Mary, 1692, had to do with proving the origin of the possession by the burgesses of the burgess land? The lands referred to by William and Mary were those belonging, not to the burgesses, but to the corporation, which, for the holding of property, suing, and being sued, that body had been created nearly 300 years before, by Henry VI.

But to suppose, with Mr. Blackner, that the present advantage of depasturing cattle in the common lands was a *boon* granted to the burgesses by the *senior council*, for having elected them to that honourable office, which Mr. B. calls his most weighty reason, is almost too much for the gravity of any man who knows that the burgesses in succession had held sole possession of the burgess property for more than 800 years before common councils were known.

We by no means wish to impugn the right of those gentlemen who now hold various parts of that, as their own private property, which undoubtedly once was burgess land; but how those private rights have been created, in that which had ever been public land, and by what authority the ample and unbounded rights of the burgesses became so circumscribed, crippled, and narrowed, so that now they are but the ghost of their former wealth, is a mystery indeed.

## CHAPTER VI.

King John managed to lose Normandy, and all the continental possessions of the English crown, in 5 years from his coming to the throne, and fled from the country, 1204, where he had been sovereign, complaining he was refused the assistance of the English nobility. The power of the clergy was at this time sovereign in this country, both over the king and the people. The next step in John's degradation was taken in 1206, when he quarrelled with the pope of Rome. The dispute arose out of the conflicting claims of the crown and the church in the appointment of bishops, the archiepiscopal see of Canterbury being now vacant, John wished to appoint his favourite minister, John de Gray, bishop of Norwich, to the dignity, and the pope determined to appoint Stephen Langton, and the monks of Canterbury were resolved to receive no other. When the prelates of London, Ely, and Worcester, by appointment of the pope, came to threaten John with an interdict for his disobedience, John turned pale with rage, and swore by an awful imprecation, "that if you, or any of your body, dare to lay my states under interdict, I will banish you the realm, and if I find any of the Roman shavelings in my dominions, I will tear out their eyes, and cut off their noses, and so send them to the pope, that the nations may witness their infamy."

The interdict passed March 23rd, 1208, the churches were closed, the priests ceased their functions, the dead were buried without prayers in unconsecrated ground, the relics were taken from the places, and laid upon ashes in the silent churches, the statues and pictures were covered with black cloth. But the effect of the interdict was much weaker than had been anticipated, and the only successful campaigns were undertaken by John while this interdict lay upon him. In the year 1211 he made war upon the Welsh; to raise money for this purpose, he drained the church, and then fell upon the Jews, putting them to torture, and throwing them into dungeons, where he kept them till enormous fines were paid. The following is an affecting narrative of their suffering at this time, which may serve as an example of the rest:—A wealthy Jew, who resided at Bristol, says an old historian, was condemned to pay a fine of 10,000 marks, which he refused to do, and was put to the torture every day, at which time a tooth was drawn from his head by order of the king. The Jew endured the pain rather than part with his money. John's executioner's began with

the double teeth, and extracted seven in the course of as many days; on the eighth day this torture had its effect, and the Jew gave the money.

With funds obtained in part by such wicked means, John raised an army, and marched to Wales, penetrating as far as the foot of Snowden, and marched back again, having forced the Welsh to to pay him a tribute in cattle and horses, and surrender 28 youths of the best families as hostages; every one of whom, the next year, he cruelly caused to be hanged here, when he was residing in the castle of Nottingham.

Though John resided in the castle, he held his court in a large building on the north side, and nearly at the top of a street now called Bottle lane, extending north to Chandler's lane. A considerable part of this edifice is still standing, called king John's palace, inhabited by various families. At the entrance hall of the palace is an ancient portico, in front of which is some beautifully carved workmanship, consisting of two ornamental oak pillars, one on either side of the door way, which are surmounted by two grotesque female figures of the same material, resembling the Egyptian sphinx, supporting a richly carved pediment rising above the door, which is very strong and large for the time in which it was made. The passage through this portico (probably the grand entrance) leads to an open space in the inner court of the palace, in which the present proprietor, Mr. John Goodall, has conveniences for carrying on his trade as a butcher,

Under the portico the grand staircases, leading to the royal saloons, are seen on the right and left, by which the courtiers might enter and depart the royal presence. There was a room of great extent, in the memory of man, reaching from Bottle lane to Chandler's lane, this was in the oldest part of this ancient fabric, and probably was the ball room of king John. There are two large deep cellars under this building, in one of which there used to be, till very recently, a large iron ring, fastened by a strong staple in the wall; from which, it is supposed, the cellars were formed for dungeons, in which to confine prisoners, who were, perhaps, chained to the large iron ring in the wall. The shape of the building was originally a hollow square of very considerable dimensions, and as we were informed by Mr. John Goodall, Jun., who now lives in a part of this ancient edifice, it is traditionally reported to have extended to the house of Mr. Knight, broker, (St. Peter gate, near the church,) which is formed of similar kind of materials, workmanship, and style of architecture, and bears every evidence, both internal and external, of having been erected in the same age as that in Bottle lane, which we regard as the

principal part of the palace, and to which, not improbably, its venerable contemporary in Peter gate originally belonged.

Various parts of this once splendid and renowned building have been removed, and other buildings erected on the site, some parts of that still regarded as the palace, are formed of brick, and must have been substituted for parts of the old building from time to time, as occasion might require; but still, and it is not a little remarkable that in Nottingham, which has been re-built since the reign of Henry VIII., (300 years ago,) when there was not a single dwelling house formed of either brick or stone, yet in this time-hallowed pile may be seen (in the inner court) a considerable part of the *mud and wattle*, that kind of material used for building in the time of king John.

We would only add that the old palace is now divided into seven tenements, a slaughter-house, and a stable; the edifice is the freehold of Mr. John Goodall, Chapel bar, to whom it was bequeathed by his father, John Goodall, into whose possession it came in consequence of his having married the daughter and heiress of John Nix, Esq. alderman, who himself resided in the palace.

When ever king John had a glimpse of success he increased his arbitrary proceedings against his English subjects, on a former occasion he gave new rigour to the barbarous forest laws, and now he levied on his subjects scutage, or shield money, for carrying on his unholy wars, in an oppressive and most unjust manner.

1212. This year John again prepared to march against the Welsh, but being terrified by a report that many of his barons were conspiring against him, for a time abandoned his intended expedition against the Welsh, broke up his court here, and shut himself up in the castle for fifteen days, seeing no one but his personal attendants, on whom he most relied. As the barons remained quiet, John's courage returned to him, and leaving the castle, he marched with an army to Chester, still collecting fresh troops as he went along, vowing that he would exterminate the Welsh, when his fortitude once more forsook him, and from this city he suddenly returned to London, where he kept strong bodies of mercenaries constantly about him.

1213. Pope Innocent pronounced John's deposition from the throne, and absolved his subjects from their allegiance, and John humbled himself to the dust, surrendered his crown and kingdom, holding it only as a fief of the pontiff of Rome, to whom he agreed to pay annually 10,000 marks of silver:—7,000 for England, and 3,000 for Ireland. The instrument was signed 15th



May, 1213, so that John lost his whole empire in 14 years from the time he ascended the throne.

A few months after this sad degradation, John paid Nottingham a most unwelcome visit, having devastated all the country before him with fire and sword, to avenge himself in a quarrel he had with his barons, which originated in the following manner:—Philip, a crafty prince, being then king of France, had already taken from John his continental possessions; driving him from the place of the sepulchres of his fathers, and knowing how weak his authority was in England, determined upon invading the land, and seizing the British crown. Ferrand, earl of Flanders, made a diversion in his favour, and John equipping a fleet of 500 vessels, containing 700 knights, and a large force of infantry, set sail from Portsmouth to Flanders, where the French then lay, putting it under the command of William, earl of Holland, and William Longspear, earl of Salisbury, one of the sons of Fair Rosamond. Here the English gained one of the most splendid naval victories ever recorded, having succeeded in destroying every ship in the French squadron.

John was now determined to carry the war into France; he summoned his vassals to meet him at Portsmouth. The barons met him armed, as appointed, as if ready to sail, but when ordered to embark, they resolutely refused, unless the king recalled the exiles, as he had promised to do, to which he reluctantly consented, but the nobles had lost all confidence alike in his word and his oath. John set sail in a few days, but his barons were in no hurry to follow him; and withdrew to a great council at St. Albans, assigning as a ground of their absence, that the time of their feudal service was expired.

John got as far as the island of Jersey, when, finding that none followed him, turned back in a rage, with vows of vengeance; landing, he marched with his bands of mercenaries northward, burning and destroying every thing in his way. At Northampton, the patriotic Langton, of Canterbury, overtook him. "These barbarous measures," said the prelate, "are in violation of your oaths, your vassals must stand to the judgment of their peers, and not be wantonly harassed by arms." "Mind your church," roared the furious king, "and leave me to govern the state," and continued his march of dreadful havoc as far as Nottingham.

Langton was not a man to be intimidated,—again presented himself, and threatened to excommunicate all the ministers and officers that followed him in his lawless course. John gave way to save appearances, and summoned the barons to meet him, or his justices. How long at this time John sojourned in Nottingham

we are not informed, but was not long before he was here again, which was brought about in the following manner :—

After his interview with John, Langton hastened to London, and there, at a second meeting of the barons, he read the liberal charter which Henry I. had granted on his accession to the throne, he made them sware to be true to each other, and to conquer or die in support of their liberties.

1214. John having again sadly disgraced himself in the battle of Bouvines, between Lisle and Tournay, arrived in England, 24th October, sullen and dejected, he became more ferocious than ever ; but there were men at work, resolute and skilful. Immediately after his arrival the barons met to talk of the league they had formed with Langton ; the time, said they, is favourable, the feast of St. Edmund approaches, amidst the multitudes that resort to his shrine, we may approach without suspicion. On the 20th November, the saint's day, they met in crowds at St. Edmund's, Bury, where they finally determined to demand their rights in a body, in the royal court, at the festival of christmas.

The spirit of liberty was awakened, not soon to sleep again ; they advanced, one by one, according to seniority, to the high altar, and laying their hands on it, solemnly swore, if the king refused the rights they claimed, they would withdraw their fealty, and make war upon him, until, by a charter under his own seal, he should confirm their just petitions. They parted to meet again at the feast of the nativity ; when that period arrived John was at Worcester, and almost alone, for none of his great vassals came as usual to congratulate him, and the countenances of his own attendants seemed gloomy and unquiet. He suddenly departed, and riding to London, shut himself up in the strong house of the knight's templars. Soon after this, John again sought refuge from his rebellious vassals in the castle at Nottingham, hiring foreign soldiers to defend him, but all would not serve his purpose ; the barons had raised a large military force, which they denominated "*the army of God, and of the holy church,*" by whom John was hunted from this, almost his last retreat, before he actually signed the *great charter* of our liberties on Runne-meed common, which he did 15th June, A. D. 1215. But he repented having done that which he was compelled to do by the barons. As soon as the company dispersed, and he had returned to Windsor castle, safe from the observing eyes of his subjects, he called a few foreign adventurers around him, swearing and gnashing his teeth,—rolling his eyes in wildest phrenzy, and gnawing sticks like a man raving mad. Sending for foreigners from

Brabant and other places, again made open war upon his barons. The next, and last time he was at Nottingham, was in the month of July, 1215; his progress was marked by flames and blood, from which he never desisted, till the year afterward, when at Newark, he was suddenly arrested by death, 18th October, 1216, aged 49 years, and 17th of his reign; leaving his eldest son, Henry, as his successor to the throne.

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## CHAPTER VII.

Under the violent and barbarous reign of the timid but vassalating John, the most painful irregularities must have prevailed in every part of the kingdom, and the galling yoke imposed by the Norman barons, on the Saxon yeomanry, was felt as intolerably painful and humiliating. The most celebrated character, (as a scourge of the tyranny of the age,) was bold Robin Hood, who, as Wordsworth has it, is "the English ballad singer's joy;" to whose romantic history we refer, not merely for the amusement of young people, but because the song and the ballad have had their share in almost all the changes through which society has passed from the earliest period to the present day.

He who said "let me make the *ballads*, and you may make the *laws*," was a man deep in the secret of ballad making. Song and ballad have had their share in almost all commotions and changes; they were on the side of the Parliament in the struggle with Charles. A ballad of no great merit influenced the revolution of 1788; ballads, however, were unable to restore the fortunes of the house of Stuart, though they roused the clans, and contributed to the victories of Prestonpans and Falkirk. The French obeyed the powers of music and poetry in the Marseilles Hymn, and a later day, the ecstasy with which the

"Scots wha hae wi Wallace bled,"

of Burns is received by a popular audience, proves that the muse holds still the sway, when she sings on the side of independence.

The oldest song which history has brought down to our ears was a noble act of worship paid to the God of Isreal, whose praise it celebrates, for having miraculously effected the deliverance of a nation from bondage, and of the overthrow of its

enemies ; " the chariots of Pharoah were cast into the Red Sea ; Thou didst blow with thy wind, the deep covered them, and they sank as lead in the mighty waters," Ex. c 15. The art of poetry was maintained through the following ages of the church, and employed by kings and prophets, by David, Solomon, Isaiah, &c. in describing the nature and the glories of God; in conveying grace or vengeance to the hearts of men. The life of angels was harmoniously breathed into the children of Adam, and their minds raised to heaven in melody and devotion, by the lofty themes celebrated in the flowing numbers of the consecrated muse. In the younger days of heathenism, while as yet men had not so far apostatized, as to have lost all just and correct ideas of the being and attributes of God, we find the muse still sanctified to his praise, " who made of one blood, all nations of men for to dwell on all the face of the earth, and hath determined the times before appointed, and the bounds of their habitations ; That they should seek the Lord." Acts c. xvii. v 26, 27, The language in which old Hesiod addresses the muses is this :—

" Pierian muses fam'd for heavenly lays,  
Descend and sing the God your father's praise."

The earliest poetry in Britain forms no exception to this general rule, but in the times to which the poems before us refer, the key of knowledge was hung too high for the common people's reach, in consequence of which religion and virtue lamentably declined, while oppression, anarchy and tumult shook, to its very centre, the whole framework of society. Amidst the general confusion that prevailed in this country in the early part of the twelfth century, it certainly is refreshing to find that, though the once clear and heavenly vision of the muse had been obscured by the thick films of prevailing ignorance, yet still, upon the jarring strings of her broken and tuneless harp, she labours to celebrate the praises of *liberty*.

The reformer, Robin Hood, sought to set aside and brake the chains that had been imposed by a Conqueror and a slave master, who oppressed a nation, both body and soul. The expensive church, and domineering aristocracy of the Normans were for centuries the sore grievance of the Saxon yeomanry of England, and the attempt of bold Robin and his woodland archery to brave the teeth and claws of the royal leopard, and win a prey from the vulture claws of the church, resembled the bird of the Nile, picking a meal out of the teeth of the slumbering crocodile. That bold man's deeds kept the spirit of liberty alive in the land during his own

day, while the numerous ballads in which they were recorded, carried down their sense and sentiment through many centuries, and influenced deeply the heart of the country. An impatience under wrong, and a desire of independence, were nursed by those rude but graphic compositions, and the strife which they fomented and fostered has reached to our own times, and ended in the triumph of equal laws and equal rights, and in the equally complete ascendancy of the Saxon language of the yeomen of England over the Norman French of their conquerors and oppressors.

These ballads breath of the inflexible heart and honest joyousness of old England; there is more of the national character in them than in all the songs of classic bards, or the theories of ingenious philosophers. They are numerous, and fill two handsome volumes, though Ritson, an editor ridiculously minute and scrupulous, put only twenty-eight into his edition; the number might be extended, for the songs in honour of *bold Robin* were for centuries popular all over the isle, and were they now out of print, might be restored with additions, from the recitation of thousands, north as well as south. Though modified in their language during their oral transmission from the days of king John, till the printing press took them up, they are in sense and substance undoubtedly ancient. They are the work of sundry hands; some have a Scottish tone, others taste of the English border; but the chief and most valuable portion belongs to Nottinghamshire, Lancashire, Derbyshire, and Yorkshire, and all (this includes those with a Scottish sound) are in a true and hearty English taste and spirit.

A few of these ballads are probably the work of some joyous yeoman, who loved to range the green woods, and enjoy the liberty and licence which they afforded; but we are inclined to regard them chiefly as the production of the *rural ballad-maker*, a sort of inferior minstrel, who, to the hinds and husbandmen, was both bard and historian, and cheered their fire-side with rude rhymes, and ruder legends, in which the district heroes, and the romantic stories of these peasantry, were introduced with such embellishments as the taste of the reciter considered acceptable. We have called these ballads *graphic* but rude; we must admit that they are often inharmonious and deficient in that sequence of sound, which critics in these modern days desire; but the eye in the times when they were composed, was not called, as now, to the judgment seat; and the ear (for music accompanied without over-powering the words) was satisfied with anything like similarity of sounds. The ballad-maker, therefore, was little solicitous about the flow of words, the harmony of balanced quantities, or the chink of his

rhymes. His composition delighting as they did our ancestors, sound rough and harsh in the educated ear of our times, for our taste is delicate in matters of smoothness and melody. They are, however, full of incident and of human character; they reflect the manners and feelings of remote times; they delineate much that the painter has not touched, and the historian forgotten; they express, without acrimony, a sense of public injury, or of private wrong; nay, they sometimes venture into the regions of fancy, and give pictures in the spirit of romance. A hearty relish for fighting and fun; a scorn of all that is skulking and cowardly; a love of whatever is free, and manly, and warm-hearted; a hatred of all oppressors, clerical and lay; and a sympathy for those who loved a merry joke, either practical or spoken, distinguish the ballads of Robin Hood.

The personal character as well as history of the bold outlaw, is stamped on every verse. Against luxurious bishops, and tyrannic sheriffs, his bow was ever bent, and his arrow in the string; he attacked, robbed, and sometimes slew, the latter, without either compunction or remorse; in his humorous moods he contented himself with enticing them, in the guise of a *butcher* or a *potter*, with the hope of a good bargain, into the green wood, where he first made merry, and then fleeced them, making them dance to such music as his forest afforded, or join with Friar Tuck in hypocritical thanksgiving for the justice and mercy they had experienced. Robin's eye brightened, and his language grew poetical, when he was aware of the approach of some swollen pluralist—a dean of Carlisle, or an abbot of St. Mary's, with sumpter horses carrying tithes and dining-gear, and a slender train of attendants. He would meet him with great meekness and humility; thank our lady for having sent a man, at once holy and rich, into her servant's diocese; inquire about the weight of his purse, as if desirous to augment it, but woe to the victim who, with gold in his pocket, set up a plea of poverty. "Kneel, holy man," Robin would say, "kneel, and beg of the saint who rules thy abbey-stede, to send money for thy present wants," and as the request was urged by quarter-staff and sword, the prayer was a rueful one, while the gold, which a search in the prelate's mails discovered, was facetiously ascribed to the efficacy of the intercession of his patron saint, and gravely parted between the divine and the robber.

Robin Hood differed from all other patriots—for patriot he was, of whom we read in tale or history. Wallace, to whom he has been compared, was a high-souled man, of a stern stamp, who loved better to see a tyrant die, than gain all the gold the world had to give; and Rob Roy, to whom the poet of Rydal Mount has

likened the outlaw of Sherwood, had little of the merry humour and romantic courtesy of bold Robin. This seems to have arisen more from the nature than the birth of the man; he was no lover of blood, nay, he delighted in sparing those who sought his life, when they fell into his power; and he was beyond all example, even of knighthood, tender and thoughtful about women, even when he prayed, he preferred our lady to all the other saints in the calendar. Next to the ladies he loved the yeomanry of England; he molested no hind at the plough, no thresher in the barn, no shepherd with his flocks; he was the friend and protector of the husbandman and hind, and woe to the priest who wronged, or the noble that oppressed them. The widow and the fatherless he looked upon as under his care, and wheresoever he went, some old woman was ready to do him a kindness, for a saved son, or a rescued husband.

The personal strength of the outlaw was not equal to his activity, but his wit so far excelled his might, that he seldom found use for the strength he had, so well did he form his plans, and work out all his stratagems; if his chief delight was to meet with a fierce sheriff, or a purse proud priest, "all under the greenwood trees;" his next was to encounter some burly groom, who refused to give place to the king of the forest, and was ready to make good his right of way with cudgel or sword; the tinker, who, with his crab tree staff "made Robin's sword cry twang," was a fellow of their stamp. With such companions he recruited his bands, when death or desertion thinned them, and it seemed that to be qualified for his service, it was necessary to excel him at the sword or the quarter staff; his skill in the bow was not so easily approached. He was a man of winning manners and captivating address, for his eloquence, united with his woodland cheer, sometimes prevailed on the very men who sought his life, to assume his livery, and try the pleasures which Barnsdale or Plumpton afforded.

The high blood of Robin seems to have been doubted by Sir Walter Scott, who, in the character of Locksley, makes the traditional earl of Huntington but a better sort of rustic, with manners rather of a Franklin than a noble. Popular belief is, however, too much, even for the illustrious author of "Ivanhoe," and bold Robin will remain an earl while woods grow and waters run. He was born, it is believed, in Nottinghamshire, in the year 1160, and the 6th of the reign of Henry II. In his youth he was extravagant and wild—dissipated part of his patrimony, and was juggled out of the remainder by the united powers of a sheriff and an abbot. This made him desperate,—drove him to the

woods, and in the extensive forests which reached from Nottingham over several counties ; he lived a free life, with comrades whom his knowledge of character collected, and who soon learnt to value a man who planned enterprizes with judgment, and executed them with intrepidity and success. He soon became famous over the whole island, and with captains after his own heart, such as Little John, Will Scarlet, Friar Tuck, and Allen-a-dale, he ranged at will through the woodlands, the terror alike of the wealthy and the tyrannic. Tradition, as well as ballad, avers, that a young lady of beauty, if not of rank, loved his good looks as well as his sylvan licence so much that she accompanied him in many of his expeditions.

“ In these forests,” says Ritson “ and with this company, he for a many years reigned like an independent sovereign, at perpetual war with the king of England, and all his subjects, with the exception, however, of the poor and needy, or such as were desolate and oppressed, or stood in need of his protection.” This wild life had for Robin charms of its own, it suited the taste of a high, but irregular mind, to brave all the constituted authorities in the great litigated rights of free forestry ; the deer with which the woods swarmed afforded food for all who had the art to bend a bow ; and a ruined tower, a shepherd’s hut, a cavern, or a thicket,

“ When leaves were sharp and long.”

gave such a shelter, as men who were not scrupulous about bed or toilet, desired ; while wealthy travellers, or churchmen abounding in tithes, supplied them, though reluctantly, with Lincoln green for doublets, and wine for their festivals.

Into Robin’s mode of life, Drayton, who might have been a striker of deer in his day, has entered with equal knowlege and spirit ; let Wilkie or Landseer study the following picture :

“ An hundred valiant men, had this brave Robin Hood  
Still ready at his call, that bowmen were right good,  
All clad in Lincoln green, with caps of red and blue ;  
His fellows’ winded horn not one of them but knew,  
When setting to their lips their little bugles shrill,  
The warbling echoes waked from every dale and hill.  
Their baldricks set with studs, athwart their shoulders cast,  
To which, below their arms, their sheafs were buckled fast,  
A short sword at their belt, a buckler scarce a span,  
Who struck below the knee, was counted not a man.



All made of Spanish yew, their bows were wondrous strong,  
They not an arrow drew but was a cloth yard long,  
Of archery they had the very perfect craft,  
With broad arrow, or butt, or prick, or roving shaft.  
Their arrows finely paired for timber and for feather,  
With birch and brazil pierced to fly in any weather;  
And shot they with the round, the square, or forked pile,  
They loose gave such a twang as might be heard a mile."

Nor was the poet unaware of the way in which Robin maintained all his bravery :

" From wealthy abbots' chests, and churls abundant store,  
What oftentimes he took, he shared amongst the poor;  
No lordly bishops came in lusty Robin's way,  
To him, before he went, but for his pass must pay."

In that wild way, and with no better means than his ready wit and matchless archery, Robin baffled two royal invasions of Sherwood and Barnesdale; repelled, with much effusion of blood, half a score of incursions made by errant knights and armed sheriffs, and, unmoved by either the prayers or thunders of the church, he reigned and ruled, till age crept upon him, and illness, arising from his exposure to summer's heat and winter's cold, followed, and made him, for the first time, seek the aid of a leech. This was a fatal step, the lance of his cousin, the prioress of Kirkby Nunnery, in Yorkshire, to whom he had recourse in his distress, freed both church and state from further alarm, by treacherously bleeding him to death. "Such," exclaims Ritson, more moved than common, "was the end of Robin Hood, a man who, in a barbarous age, and under a complicated tyranny, displayed a spirit of freedom and independence, which has endeared him to the common people, whose cause he maintained, and which, in spite of the malicious endeavours of pitiful monks, by whom history was consecrated to the crimes and follies of titled ruffians and sainted idiots, to suppress all record of his patriotic exertions and virtuous acts, will render his name immortal."

The personal character of Robin Hood stands high in the pages of both history and poetry. Fordun, a priest, extols his piety; Major pronounces him the most humane of robbers; and Camden, a more judicious authority, calls him the gentlest of thieves; while in the pages of the early drama, he is drawn at heroic length, and with many of the best attributes of human nature. His life and deeds have not only supplied materials for the drama and the

ballad, but proverbs have sprung from them; he stands the demigod of English archery, men used to swear both by his bow and his clemency; festivals were once annually held, and games of a sylvan kind celebrated in his honour, in Scotland, as well as in England. The grave where he lies has still its pilgrims, the well out of which he drank still retains his name, and his bow and one of his broad arrows were, within this century, to be seen in Fountain's Abbey; a place immortalized by his adventures with the curtal Friar. Having called to the recollection of our readers the leading features in the adventures and character of bold Robin, we shall next proceed to describe and quote the more poetic or interesting portions of the ballads which record his actions, rather according to the narrative of his life, than the order of composition; it is our purpose too, to discard much of the antique spelling in which plain words are often disguised, and also to give, in some places a less corrupt reading, which we are able to do, not so much from traditionary scraps, or oral recitation, as from those numerous editions of the ballads which once were, and are still diffused over the whole of England, and the half of Scotland,

The following is quoted from an interesting article on old English ballads, in one of the leading periodicals of the present day:

"It would be easy for me to write a fair memoir of Robin Hood, setting forth his high lineage, and his gallant actions, supporting the narrative by handsome quotations, historical as well as dramatic. But this would be a matter less of truth than of romance; the materials for such a composition lie in many a black-letter page, and in many a scene of the early drama, but it requires only a glance to determine, that of this hero of the bow and broad-arrow the truest speech is song; or, in other words, that from his twenty-eight ballads, all that either historian or dramatist has delineated has been borrowed and embellished. But they have not wrought their emblazonry with much regard to the true heraldry of Robin. The outlaw of the historian resembles too much the modern highwayman, and gives us the idea of a footpad with a craped face and a cocked pistol, calling out 'your money or your life;' while the Robin Hood of the dramatists is a chivalrous young nobleman, familiar with courts, who wears roses in his shoes, kid gloves on his hands, and perfume in his hair. Now the true Robin of the ballads was a man of another stamp; a rough, ready-handed, warm-hearted fellow, who loved a shot at a stag or a sheriff, a bout at quarterstaff with a tinker or a tanner, and preferred a trip with country lasses round a May-pole

when the moon was up, to a dance in the queen's chamber, where gilt lamps gleamed, and ladies, jewel-laden, walked on figured floors to the sound of harp and lute. The sceptre of this king of the forest was the long bow, his palace the Trysting tree or Parliament oak, under which he assembled his faithful commons, and his royal domains the wilderness at large, in which the abbots and sheriffs may be called his collectors of revenue. When I add that his mirror was the fountain, some green-wood knoll his dining table, his will his law, and the broad arrow his prime minister, I have drawn a genuine picture of the gay and daring Robin.

"Ballad and tradition agree that Robin began the business of the greenwood early; in the too short song called his 'Progress,' we have the first intimation of his high spirit and fine skill; when some fifteen winters old, but tall, and stout, and courageous; as he was on his way from Loxley Hall to Nottingham, with his bow and his arrows, he met with what he evidently did not regard as much of an adventure. It is neatly introduced:—

"Robin Hood would into Nottingham go  
When the summer days were fine,  
And there he saw fifteen foresters bold  
A drinking good ale and wine.

What news? what news? said bold Robin Hood,  
The news I fain would know;  
If our king hath ordered a shooting match,  
I am ready with my bow."

"The foresters stared at him, and said 'we hold it a scorn for one so young presuming to bear a bow, who is not able to draw a string;' 'I'll hold you twenty marks' said Robin, 'that I will hit a mark a hundred rod off, and cause a hart to die,' 'We hold you twenty marks, by our Lady's leave,' replied the foresters, 'that you neither hit the mark at that distance, nor kill a hart.'

"Then Robin bent his noble bow,  
And a broad arrow he let fly;  
He hit the mark a hundred rod,  
And he caused a hart to die.

The hart did skip, the hart did leap,  
And the hart lay on the ground;  
The wager is mine, said bold Robin Hood,  
If 'twhere for a thousand pounds."

"The foresters laughed and taunted the proud archer, refused to pay the twenty marks, and advised him to go, lest blows should follow; he picked up his arrows and his bow, and was observed to smile as he retired from these discourteous churls; when at some distance he paused:—

" Then Robin he bent his noble bow,  
And broad arrows he let fly  
Till fourteen of the fifteen foresters,  
Upon the ground did lie, "

"Leaving the people of Nottingham to inter the fifteen foresters, (for he slew them all) in the church yard, 'all in a row,' he made his escape into Sherwood forest.

"Soon after this it appears Robin Hood was joined by Little John, who had been a faithful friend and valet of Robin Hood's maternal uncle, Squire Gamwell, of Gamwell hall, who also confers on his nephew his house and estate. We do not read what, or whether Robin Hood made any use of this property, nor are we sure he ever came into its actual possession; from this time Robin's forces vastly increased, soon amounting to several hundred men."

The following example will show the benevolent and merry spirit of the outlaw: a knight having fallen into his hands was considered a capital prize. Having been treated with a good dinner of venison and wine, after which the knight thanked Robin Hood for his courtesy and kind entertainment, the latter informed him he must pay for his good cheer, when the stranger said he had but ten shillings, and after search it proved true; Robin inquired the cause of his poverty, and being informed that he had mortgaged the whole of his estate to a wealthy abbot of St. Mary to ransom his son from death, because he had slain a Lancashire knight, Robin's heart melted within him, he wept, and so did Will Scarlet, and his companions, when they heard the melancholy story. The generosity of the outlaw was worthy the best of men, for, instead of robbing him of his scanty store, lent him £400, the whole of the money for which the knight had mortgaged his estates, with no other security than his word, that in twelve months he would return Robin his money, which was the time the knight proposed to his benefactor, who also gave him a horse, saddle, and bridle, besides a quantity of new cloth for doublets. True to his time of appointment, at the twelve months end, the knight returned bringing the money that had been so kindly lent to him, and also a small, but handsome present of 100

bow strings, and 100 sheafs of arrows; but with a generosity peculiar to himself, Robin Hood returned the knight the whole amount of money, converting his loan into a gift, also promising the latter he should always find him a friend, should he afterward need it.

The bravery of Robin was tested on many occasions, particularly with Arthur a Bland, the tanner of Nottingham, who, it appears, was a wild unsettled youth, and, despite the severe laws, had walked into the forest of Sherwood, prepared alike for mischief or mirth, and soon was met by Robin Hood, whom Arthur, not knowing, addressed in no very courteous terms, "what makes you here like a thief? I am a keeper in this forest, and it is my duty to stop you." "Hast thou any assistants, man?" inquired Robin; "it is not one man that stops me." "Truly friend," said the tanner, "I have no better assistant than this oak graff, and it will do all I want."

"For thy sword, and thy bow, I care not a straw,  
Nor all thine arrows to boot;  
For an I get a knop at the bare scap,  
Thou canst as well spit as shoot."

In the sequel the Nottingham tanner having conquered Robin Hood, as in the case of the tinker, joined him and his companions. Soon after this, Robin Hood had an encounter with the sheriff of Nottingham, where he and the rest of the civil authorities were going to execute Will Scarlet and Little John, who it appears had fallen into their hands; both of whom were rescued by their master, who had just slain Sir Guy of Gisbourn, who came into Sherwood forest to take him, either dead or alive, a price having been fixed upon his head.

Robin Hood's two fights, one with the tinker, the other with the curtal Friar of Fountain's Abbey, are well described in these ancient ballads to which we have so frequently adverted:

"This curtal Friar kept Fountain's dale,  
For seven long years or more;  
And there was neither knight nor lord  
Could make him yield before." (a)

(a) It seems strange to us that a Friar should lead the life of a brigand, but after the conquest the old Saxon clergy were very much depressed, and often superseded in their livings by foreigners so that to betake themselves to the woods, and join the banditti was the only means of existence they had left.

Again we find Robin Hood exerting his self-constituted, but almost sovereign authority, on behalf of three unfortunate young men who had been led to the gallows to be hanged, for a breach of the forest laws. If we may credit tradition and verse, these men were the sons or a poor widow woman, all of whom, however, were rescued from an ignominious death, by the intrepidity of Robin Hood. The ballad in which this gallant action of the outlaw is recorded, is thus described, "In the month of May it was the pleasure of Robin Hood to visit Nottingham, where he was well known and highly respected. On his way he met an old woman, weeping bitterly, being in an agony of grief on account of her three sons, who were to be hanged that morning." The song represents Robin Hood as inquiring the cause of this sentence having been passed upon them; "Have they burned parishes, or murdered priests, or injured virgins?"

"Now what have they done, said Robin Hood then,  
Old woman, now come tell to me;  
Oh! its for slaying the king's fallow deer,  
And beuding their bows with thee.

Dost thou not mind now, Robin, she said,  
Since I made you sup and dine:—  
By the faith of my body, quoth bold Robin Hood,  
You tell it in a capital time."

He said no more, for words would only impede, not help, in the deed which he was now resolved to do; moved by the recollection of the old woman's kindness in other days, and his affection for the three yeomen who had borne bows at his bidding, he continued his walk towards Nottingham, till he met with a begging pilgrim, who, in answer to his inquiry, confirmed the old woman's tale, that three good squires were condemned to die that day at Nottingham. He took his measures at once,

"Come change thy apparel with me, old man,  
Come change thy apparel for mine;  
Here's forty good shillings in white silver,  
Go spend it in ale or wine.

O thine apparel is good, he said,  
And mine is ragged and torn;  
Wherever you go wherever you ride,  
Laugh not an old man to scorn.

Come, change thy apparel with me old churl,  
 Come, change thy apparel for mine,  
 Here are twenty pieces of good red gold,  
 To feast thy brethren with wine."

The sight of the gold, and the dress of Lincoln green overcame the palmer's reluctance, and the transfer was made, much it would seem to the amusement of both; Robin's carelessness of consequences, and the indulgent humour, even in moments of peril and danger, are pictured in many a ballad, nor are they omitted here:—

"Then Robin put on the old man's cloak,  
 Was patched black, blue, and red;  
 He thought no shame, the lœ-day long,  
 To bear the bags of bread.

Then he put on the old man's breeks  
 Were patched from side to side;  
 By the breath of my body, bold Robin can say,  
 This man loveth little pride."

For every rag Robin had a joke, for every patch a pun; the old palmer's high crowned hat, his darned hose, and shoes mended above and below, and armed with broad-headed hob-nails, were put on without a sally, severally and collectively; and when the exchange was completed, Robin surveying himself, declared, it was a good habit that made the man, and hastened on his errand of mercy:—

"Now Robin is to Nottingham gone,  
 With a link down and a down; (a)  
 And here he met with the proud sheriff,  
 Who was walking about the town.

O Christ, now save, O sheriff! he said,  
 O Christ, now save and see!  
 Now what will you give to a silly old man,  
 To-day will your hangsmen be."

Now the sheriff seemed a man to whom nothing could be a warning; in the disguise once of a begger, and another time in that of

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(a) It may be proper to remind the reader, the chorus of "derry down," attached to so many of the English songs, is supposed to be as ancient, not only as the times of the heptarchy, but as those of the Druids, and to have furnished the chorus to the hymns of those venerable persons when they went into the woods to gather the mistletoe.

an old woman, Robin had wrought him both sorrow and woe, but at present he looked on the disguised outlaw without any suspicion, and answers

"Some suits, some suits, the sheriff, he said,  
Some suits will I give to thee;  
Some suits, some suits, and pence thirteen,  
To day is a hangsmen's fee.

Then Robin, he turns him round about,  
And jumps from stone to stone;  
By the faith of my body, the sheriff he said,  
Well jump't, thou silly old man."

It would appear that while this conversation continued, the three condemned men, accompanied by the sheriff's soldiers, were on their way to the gibbet, which stood without the walls of the town; and that on the other hand the bands of the outlaw had approached unseen, and concealed themselves, whence they might advance and take an effectual part in the fray which they knew to be at hand; these matters influenced the reply of Robin, who knew well when it was time to come to extremities:

"I ne'er was a hangsmen in all my life,  
My curse upon the trade;  
And cursed be he, said the bold Robin,  
That first a hangsmen made.

I've a bag for meal, and a bag for meat,  
A bag for barley and corn,  
A bag for bread, and a bag for beef,  
And a bag for my little horn."

The sheriff on this began to regard Robin with inquiring eyes, and desired to know the use of the little horn which he bore in his bag "it is a horn" said the outlaw, producing it, "which I got from a friend of mine, and were I to set it to my mouth, it might blow thee little good." "O, wind your horn, saucy fellow," said the sheriff, "wind it as loud as you please."

"The first loud blast that he did blow,  
He blew both loud and shrill;  
A hundred and fifty of Robin Hood's men  
Came riding over the hill.



The next loud blast that he did give,  
He blew both loud and amain ;  
As he blew, full sixty of Robin Hood's men  
Came shining over the plain."

Even this vision of armed men, in no wise alarmed the other, whose inveterate stupidity seems to have rendered him less fit to meet and foil Robin of his wiles than any sheriff on record ; his final audit may be related in the graphic words of the ballad maker :—

" O, who are these, the sheriff said,  
Come tripping it over the lee ?  
O, they are my servants, bold Robin can say,  
And their visit is meant to thee.

So they took the gallows from the slack,  
And placed it in the glen ;  
And thereon they hanged the proud sheriff,  
And released their own three men."

Robin Hood's rescue of Will Stutely, though equally daring and successful as that of the widow's three sons, has been less successful in finding a poet to give the details with the right simplicity and drama-like force ; though taken from the black letter rolls of Anthony a Wood, it is a very modern as well as unpoetic composition ; it is likely, indeed, that the author let loose his muse on some old ballad or tradition, and thought to do it high honour by bestowing on it a more polished air and scholar like spirit. He begins his narrative by relating that Will Stutely was taken prisoner by the sheriff of Nottingham, and condemned to be hanged. The yeoman that told Robin the news, added that Will, though taken by surprise, slew two men before he was mastered ; " ah ! he's a gallant fellow," said the outlaw " and he shall be rescued, and that speedily."

Formerly Robin took a wily way to work the liberation of his men, but he seems to have considered stratagem in this case needless, and so marched openly towards Nottingham, and, taking post within sight of the castle, where his man lay, sent forward one of his yeomen to collect intelligence. No one was so ready as an old palmer to say that Will Stutely was about to be marched to the gallows, and that the crowd was gathering to witness his death.

Now fare thee well, thou good old man,  
Farewell and thanks to thee;  
If Stutely hanged be this day,  
Revenged his death shall be.

He was scarce from the palmer gone  
But the gates were opened wide,  
And out of the castle, Will Stutely come  
Guarded on every side."

They were now at the gallows' feet, and while Will looked to the crowd around, in hope of recognising the plume of bold Robin, and then glanced up at the "fatal tree," where a ready noose dangled, little John pressed forward and said—

"I pray thee Will, before thou die,  
Of thy dear friends take leave,—  
I needs must borrow him for awhile;  
How sayest thou master sheriff.

Now as I live, the sheriff he said,  
That varlet will I know;  
Some sturdy rebel is that same,  
Therefore let him not go."

But Little John though slow of speech, was ever quick in action, cut Will's bonds, armed him with a sword twitched from the hand of a soldier, and setting back to back, gallantly resisted all the efforts of the sheriff to take or slay them. More effectual help was at hand, and this was announced in the characteristic way of the sovereign of the forest:

"With that an arrow by them flew,  
I wist from Robin Hood;  
Make haste, make haste, the sheriff he said,  
Make haste, for it is good.

The sheriff is gone, his doughty men,  
Thought it no boot to stay;  
But, as their master had them taught,  
They ran full fast away."

"Stop, sheriff," cried Will Stutely, "let me take my leave before you go. What! do you dream of taking Robin Hood, and yet

dare not meet him?" "O, ill betide you, sir sheriff," said Robin, returning his sword into his sheath, "ill betide for going so soon, before the work is complete, and my blade may rest in the scabbard."

These and similar exploits made the Nottingham woods dangerous for a time to their sovereign, and he removed his roving camp into the forests of Yorkshire, where his name is still associated with bank and bay, and hill and dell, and glen and stream; nay, the well out of which Robin and his chivalry drank, found such favour in the eyes of one of the Carlisle Howards, that he erected a handsome stone arch over the spring, where passengers used to halt and drink, and bestow alms on two old people, who as late as half a century ago, found it profitable to abide by the well and keep it in order. It may be found about four miles north of Doncaster, in a small hollow close by the highway, with its arch still in good order, and its water pure, but the attendant spirits are gone, and the spring is left with no other protection but the fame of Robin Hood.

After the reconnoitre of Robin Hood on the coast of Yorkshire with a French privateer, which, with his own bow, he disarmed and took a prize, soon after returned to his favourite haunts in Sherwood. The tidings of the outlaw's return to the neighbourhood of Nottingham, having reached the ears of the civil authorities, it is likely they would be anxious to apprehend the daring outlaw, who had already slain two of the chief magistrates of the town, then called reeves or sheriffs. Every effort had hitherto proved abortive, the following stratagem was devised to draw the outlaw into the snare.

The sheriff caused a full and fair game of archery to be announced by the town crier; the mark was a peeled osier, which, whoever could split with an arrow at forty paces distance, was to have awarded to him a golden headed arrow, as the prize. This drew multitudes of people from all parts of the country to witness the contest in this popular game, amongst whom, as the sheriff hoped, was the far-famed Robin Hood, who made himself known to the crafty sheriff by splitting the wand and bearing away the golden headed arrow as his prize. This was the signal for his apprehension, of which, it appears Robin was aware, and instantly mixing with the crowd of spectators, was no where to be found; but being recognized on his return to Sherwood, in company with little John, was pursued by the military and sheriff's officers, with their weapons, who shot after them, and Little John was wounded in the knee, and thus disabled from proceeding further; the latter entreated his master, with tears, that he would slay him, rather than suffer him to fall into the hands of his exasperated

foes ; this Robin Hood would by no means consent to, but in this crisis his ready wit supplied him with the means of extricating himself and his friend, therefore, taking his wounded companion on his back, made the best way he could with him to the castle belonging to Sir Richard of the Lee, which was near at hand. This Sir Richard was the knight whom the outlaw had befriended in his distress, by lending him £400 ; and afterwards converting the loan into a gift ; being thus foiled in his purpose, the sheriff placed an ambush in the neighbourhood of the castle, and though Robin Hood and his men escaped, the knight himself fell into the snare ; while Sir Richard was one day on a hawking excursion, he was carried prisoner to the castle of Nottingham. On this the knight's lady mounted her palfrey, and rode to Sherwood forest, to acquaint the outlaw with the captivity of her husband, who, on hearing the tidings pursued the sheriff's officers with seventy of his bravest men, neither hedge nor ditch stayed them, but boldly entering the town, the first man they met was the sheriff, having Sir Richard of the Lee, who was bound, in his charge. Robin roughly addressed him, "Speak to me, thou bold sheriff." This however was not a time or place for many words ;—he shot the sheriff dead at his feet, and instantly liberated the prisoner, Sir Richard. But this daring act of violence Robin Hood was aware would draw down on Sir Richard the retributive penalty of the law, from which his strong castle would be no shelter, and he desired Sir Richard to accompany him to his impenetrable haunts in Sherwood.

In this Robin was not much mistaken, for soon after, king John, accompanied by many of his nobles and knights, hastened to Nottingham. "all to take that gentle knight, and Robin Hood if he may." But Sir Richard was gone, and the outlaw was no where to be found. The king was so bent on his apprehension that he scoured the woods from Nottingham, through Derbyshire, and to Lancashire, but though he saw the trail of him every where, yet he could never get a sight of Robin, or any of his men. Being exceedingly vexed at his disappointment, the king swore he would give a knight's ransom if he could only see the daring outlaw or any of his men.

One of the foresters put him on a plan, in which he would be certain, so far at least to gratify his curiosity. "Take," said he, "five of your ablest knights, and go down to yonder abbey, and assume the habiliments of a wealthy abbot, and he will rob you ere you arrive at Nottingham, or I will forfeit my head." The stratagem pleased the king's humour, and following the advice of the humble forester, went and put on an abbot's dress, and with

broad brimed hat, and stiff boots, set off towards Nottingham, accompanied by his five knights, attired as if they had been monks, singing as they threaded their way through the mazes of the wood. In this manœuvre Robin was for once out Robined, he who had deceived many, was this time fairly hoaxed. Before John, in his abbot's dress, had set his eyes on the steeple of St. Mary, he beheld Robin Hood, who both met and robbed him too. The king had but £40 with him, Robin gave his men £20 kept £10 for himself, and gave the supposed abbot the remaining £10 back, to pay his expenses on the way, and beside, according to his wont, treated the abbot and his men with a game of archery, and a good dinner of venison and wine. The disguised king was so taken with the gallant spirit of this favourite outlaw, that he represented himself as the king's messenger, and producing the royal seal, assured him of safe conduct, and that it was the king's pleasure Robin Hood should pay him a visit, who was then holding his royal court in Nottingham. At this moment Sir Richard of the Lee recognised in their guest, the assumed abbot, the king himself, and with Robin Hood, knelt and asked for mercy and pardon, and obtained both; Sir Richard gladly returned to his castle in peace, and his majesty, laying aside his monkish weeds, assumed the livery of Robin Hood, with cap and feather, and doublet of Lincoln green, and in this dress actually entered the streets of Nottingham, which caused the inhabitants to smile, for they knew the king, and were not a little rejoiced to see that Robin Hood had received pardon, and life and grace. His majesty confirmed all in his court, that he had promised in the green wood, and was delighted with the wit and humour of bold Robin, with whom he often entered into games of well contested archery. After some years Robin Hood grew weary of a court, and again sought that liberty which was most congenial to his spirit, in the merry green wood. But he was now growing old, and could not shoot his arrows as he had done, a fever was creeping upon him, and he went to the nunnery of Kirkley, where his cousin was prioress, who bled him to death.

The true name of Robin Hood was Robert Fitz-Ooth, but agreeable to the custom which then began to prevail, of dropping the Norman Fitz (son), and the two last letters, th, being turned into d, he was vulgarly called Ood, or Hood. (a) He might claim the title of earl of Huntingdon, as John, tenth earl, died 1237, without

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(a) Anecdotes of Archery.

issue, Robin was heir by the female line, as descended from Gilbert de Gaunt, earl of Kyme and Lindsey. This title, it seems, lay dormant 90 years after Robert's death. His arms were *gules, two bends engrailed or*. Ingeniously it has been observed that this famed robber might be driven to this course of life on account of the attainder of himself, or relatives, or on account of the intestine troubles during the reign of Henry II. when the son of that king was in open rebellion against his father; when devastation, plunder, attainders, and confiscation were the fatal followers of that unnatural contention. The Ferrers being lords of Loxley, the supposed birth-place of our hero, and Robert de Ferrers manning the castles of Tutbury and Duffield, in behalf of the prince, William Fitz-Ooth, Robert's father, might by his connections with that family, or some such means, be implicated in the guilt and consequences of that rebellion. Thus might it happen that as Robin Hood was possessed of no paternal estate, and deprived of the title of earl of Huntingdon, this might be the cause of his taking refuge in woods and forests, to avoid the punishment of his own, or his father's crimes, against the state, where he continued during his life, in a state of actual rebellion; and where his little army contended a series of years, successfully, against the power and armies of the king.

Charlton's History of Whitby Abbey, (page 146) recites, "That in the days of Abbot Richard, this freebooter, when closely pursued by the civil or military power, found it necessary to leave his usual haunts, and retreating across the moors that surrounded Whitby, came to the sea coast, where he always had in readiness some small fishing vessels; and in these, putting off to sea, he looked upon himself as quite secure, and held the whole power of the English nation at defiance. The chief place of his resort at these times, and where his boats were generally laid up, was about six miles from Whitby, and is still called "Robin Hood's Bay." Tradition further informs us, that in one of these peregrinations, he, attended by his lieutenant Little John, went to dine with Abbot Richard, who having heard them often famed for their great dexterity in shooting with the long bow, begged them, after dinner, to show him a specimen thereof; to oblige the abbot, they went up to the top of the abbey, whence each of them shot an arrow, which fell not far from Whitby Laths, but on the contrary side of the lane. In memory of this transaction, a pillar was set up by the abbot, in the place where each of the arrows fell, which were standing in 1779, each pillar containing the name of the owner of each arrow. Their distance from Whitby Abbey is more than a measured mile, which seems very far for the flight of an arrow, but when we con-

sider the advantage a shooter must have from an elevation so great as the top of the abbey, situated on a high cliff, the fact will not appear so very extraordinary. These very pillars are mentioned, and the fields called by the aforesaid names, in the old deeds of that ground, (a) now or late in the possession of Mr. T. Watson. It appears by his epitaph, that Robert Fitz-Ooth lived 59 years after this time, (1188), a very long period for a life abounding with so many dangerous enterprizes, and rendered obnoxious both to church and state. Perhaps no part of English history afforded so fair an opportunity for such practices as the turbulent reigns of Richard I., John, and Henry III. He died on the 24th of December, 1247, as appears from the following epitaph, which was once legible on his tomb, in Kirkless park; where, though the tomb remains, yet the inscription has been obliterated. It is, however, preserved by Dr. Gale, late dean of York, and inserted from his papers by Mr. Thoresby, in his Ducat Leod, and is as follows :—

Hear, undernead dis latil stean,  
 Laiz Robert, Earl of Huntingdon;  
 Nea arcir ver az hie sa geud;  
 An pipl kauld im Robin Heud.  
 Sick utlaz az hi an iz men,  
 Vil England nivr si agen,  
 Obit 24 Kal. Dekembris. 1247.

That Robin was something more than a mere robber is evident from the considerable force he could raise and keep together, and must have been much greater than is mentioned in the ballads, as he was able to resist, during so many years, all the attempts of the royal army, and of the sheriff, to arrest or dislodge him. Robin Hood was a great favourite of the poor in Nottingham, wherever he went, hundreds of whom he clothed and fed. At certain times of the year, Robin distributed articles of clothing to the necessitous, who used to go to the appointed place to obtain what they could, and because many of them brought arrow heads, or any trifling present to him, were called Robin Hood's fairs; whence arose the old English proverb of Robin Hood's penny-worths.

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(a) That each of the arrows of these renowned shooters fell, as above described, is probable, but that they were shot from some other place than the top of the abbey is equally probable.

**PEDIGREE OF ROBIN HOOD.**—The pedigree as given below commences in the early part of the 11th century, about the time of Ethelred, the Saxon, surnamed the *Unready*, Richard Fitz-Gilbert de Clare, earl of Brien, had by his countess Rosia a son Robert Fitz-Gilbert, who married Alice, the eldest daughter of Waltheof, earl of Northumberland and Huntingdon, by his wife (the countess of Huntingdon in her own right,) and was neice of William the Conqueror, Maud, their younger daughter, was married, first to Simon de S-lis, first earl of Northampton, and second of Huntingdon, (who had been brought up by Stephen, earl of Albermarle), by whom she had no surviving issue; after the death of her first husband, she married David I. king of Scotland, who then became also third earl of Huntingdon; by David her second husband, Maud had a son, Henry, who was raised to the same dignity that Waltheof, his grandfather, had sustained, earl of Northumberland, and fourth of Huntingdon, Henry married Ada, daughter of William, earl of Warren, by whom he had a son, Simon S-lis, created second earl of Northton, and fifth of Huntingdon. Simon married Isabel, daughter of Robert Bossu, earl of Leicester, by whom he had three sons, Malcolm IV. of Scotland, earl of Northumberland and Huntingdon, who, dying unmarried, was succeeded by his brother William, as seventh earl of Huntingdon, who, also, left no issue, and was succeeded by another branch of the family, Simon S-lis III. as eighth earl of Huntingdon, and third of Northton, ob. s. p. 1184. Simon married Alice, heiress of Gilbert de Gaunt, but dying without issue, was succeeded by his brother David, earl of Carrect, and ninth earl of Huntingdon, one of the sons of Henry IV., earl of Northumberland and Huntingdon, by Ada, daughter of William, earl of Warren, ob. 1219. He was succeeded by his son John, surnamed Scot, created earl of Angus, and tenth of Huntingdon, who was attainted of high treason, for the part which he had taken in the unnatural quarrel that took place between Henry II. and his son, whom his father had caused to be crowned king along with himself. The attainder took place about 10 years before the death of John, who afterwards sought refuge in the woods, and became a freebooter. He died without issue, and the title was kept in abeyance 90 years. In tracing the paternal side, we have seen that Robert Fitz-Gilbert married Alice, daughter of Waltheof, earl of Northumberland and Huntingdon, by whom he had issue Rosia, who married Gilbert de Gaunt, of Kyme and Lindsey, a Norman baron, who came over with the Conqueror, they had issue a son and a daughter, Walter and Maud. Walter de Gaunt, created earl of Lindsey, left a



son, Gilbert de Gaunt, earl of Lindsey and Lincoln, having married Avis, daughter and heiress of William de Romara, earl of Lincoln, who, leaving only a daughter, Alice, was married as we have seen to her relative, Simon, earl of Huntingdon; Maud, daughter of Gilbert de Gaunt, and aunt of countess of Lincoln, married Ralph Fitz-Ooth, a Norman lord of Kyme, and had issue, two sons, Richard Fitz-Ooth, lord of Kyme, and William Fitz-Ooth, who was brought up by Robert earl of Oxford, and married a daughter of Payn Beauchamp, and lady Rosir de Vere, who had issue, Robert Fitz-Ooth, alias Robin Hood, eleventh earl of Huntingdon. 1274.

## CHAPTER VIII.

At the death of king John, the ancient title of Nottingham was kept in abeyance 113 years, not having been revived till on his coronation by Richard II. John Plantagenet, fourth son of Henry II., and afterwards, as we have seen, king, was preceded in his title of earl of Nottingham, by the houses of Peverel and de Ferrers; the latter family owed its origin to Walchelin de Ferriers, or Ferrariis, a Norman, whose son Henry de Ferrariis, to whom William the Conqueror gave Tutbury castle in com Stafford, also large possessions in that county, Berks, Oxon, Wilts, Lincoln, Bucks and Gloucester, which Henry founded the priory of Tutbury. He was succeeded by Robert, his third son, (the two elder Eugenulph and William died during their father's life) he was earl of Derby; one of the witnesses to the laws made by king Stephen in the first year of his reign; he commanded the Derbyshire men at the famous battle of Northallerton, where the barons gained a glorious victory over David, king of Scots; for which service he obtained the earldom of Derby, but died the year following, 1139, and was succeeded by his son

Robert de Ferrers, earl of Ferrers and Derby, he styled himself according to Dugdale, *Robertus Comes, Junior de Ferrariis*, and likewise *Comes Junior de Nottingham*, as appears among others by an ancient charter of his, bearing date A. D. 1141, in which he confirmed to the church of St. Oswald, of Nottle, whatsoever Henry de Ferrers his grandfather, Eugenulph de Ferrers, his uncle Robert de Ferrers his father, or any of their wives, or barons had

given beforetime to that church; he was a benefactor of the monks of Tutbury in com Stafford, to the canons of Nottle, as has been said, in com Æbor; to the monks of Geronden in com Leicester, and Cumbermere in com Chester; moreover he founded the priory of Derby, (which was afterwards translated to Darley in that county) and the abbey of Mereval, or Murval in com Warwick; he died the 12th of Henry II., 1165, and was succeeded by his only son

William de Ferrers, earl of Ferrers and Derby, he certified the 2nd of Henry II., the knight's fees he held to be 79 in number, he confirmed his ancestor's grant to the monks of Tutbury, and was a benefactor to the knights hospitallers. He was married to Margaret, daughter and heir of William de Peverel, whose grandfather was natural son to William the Conqueror. The marriage rites of him and his countess were performed by Thomas a Becket, archbishop of Canterbury, at Canterbury. He died the 19th of Henry the II., 1127, succeeded by his son

Robert de Ferrers, earl of Ferrers and Derby, as heir to his father, and earl of Nottingham, as derived by his mother; he died the 19th of Henry II., the same year and month with his father. He joined with the rebellious barons, the earls of Chester, Leicester, and Norfolk, and others, taking part with king Henry the younger, (whom king Henry II. had caused to be crowned in his life time) and manned the castles of Tutbury and Duffield against the father, also entered and destroyed Nottingham, then held for the king; but the old king prevailing over his enemies, Robert made his submission, rendering up his castles of Tutbury and Duffield, and giving security for his future fidelity, but the king did so little trust him that he forthwith demolished these forts. He founded the priory of Woodham Ferrers in com Essex, and died the 1st of Richard I., 1189, His son

William de Ferrers, earl of Ferrers, succeeded him as earl of Nottingham and Derby, but was the same year outed of two of these earldoms by Richard I., who bestowed them on his brother John, earl of Morton.

This William was at the burning of Nottingham when his father made that spoil there, he did not continue dispossessed long before his death, for attending the king to the holy land, he died at the siege of Acre, the third of Richard I.; his son William succeeded him, but not in the titles of Nottingham and Derby, nor do we find that any more of this family were earls of Nottingham, though the peerage gives that title to four succeeding earls of Ferrers; however, this William was in the succeeding

reign of king John, created earl of Derby, i. e. the 7th of that king by a special charter; he was girt with a sword by the king's own hand, (being the first of whom in any charter that expression was used) having likewise a grant of the third penny of all the pleas impleaded before the sheriff, through the county whereof he was earl, to hold to him and his heirs, in as ample a manner as any of his ancestors enjoyed the same, and was succeeded in the earldom of Nottingham by

John Plantagenet, who was the fourth son of Henry II., to him his brother Richard gave the earldom of Nottingham and Derby, and to whom the king, his father, had before granted the castle of Nottingham and honour of Peverel.

It may be expected we should glance at the state of the people after the Revolution of 1215, when John signed the Magna Charta, on Runne-mead Common. Certainly by it many valuable privileges were secured, but nothing more than had previously been enjoyed by the people under the Saxons, and even the charter of Henry I., was, as lord Lyttleton remarks, in some respects more advantageous to the liberty of the people, than the boasted Magna Charta itself. The same may be said of the subsequent charters of king Stephen and Henry II.

1. To the clergy, the charter merely gave a confirmation of their immunities and privileges, so that no sinister motives could be imputed to that worthy ecclesiastic of Canterbury, archbishop Langton.

2. It carefully enumerates and confirms the rights of barons, in particular the right of imposing an escuage, or on any extraordinary aid, is formally confined to the great national council, the occasion and modes of convocation of that council are very clearly determined.

3. The rights of the freemen are attended to in the following provisions. The court of common pleas shall not follow the king's court, but shall be held in a fixed place, Art. 17. Justice shall not be sold, refused, or delayed to any one, Art. 40. We (the king,) or if we are absent from the kingdom, our chief justiciary shall send out four times a year two judges into each county, who shall, with four knights, chosen by each county, hold the assizes at the time and place appointed in each county, for the trial of prisoners, Art. 18. No freeman shall be arrested, or imprisoned, or dispossessed of his tenements, or out-lawed, or exiled, or in any wise proceeded against, unless by the legal judgment of his peers, or by the law of the land, Art. 39. No *freeman*, or *merchant*, or *villain*, shall be unreasonably fined for a small offence; the first shall not be deprived of his tenements, the second of his merchan-

dize, the third of his implements of husbandry, Art. 20. This last is the only clause that relates to the interests of the villains, unquestionably by far the most numerous class in the kingdom. The chain of feudal laws, which fettered the genius, and held a whole kingdom in slavery, was not broken, or even touched upon by any of the clauses of Magna Charta, but feudalism went on increasing its strength.

The reading and lawyer-like precision of Magna Charta shows it was drawn up by men with intellects as sharp as the swords of those barons who wrested it from the reluctant king. Still it is equally evident the main object of the framers of it was not so much the restoration of the Saxon laws in general, or those of Edward the Confessor in particular, as a continuance of the Norman feudal law, introduced with the Conquest, and the preservation of their own feudal privileges, which the early Anglo Norman kings threatened to destroy. In Magna Charta, says Barrington, there is not one Saxon term, for any thing that relates to feudal tenures, the great object, which in many chapters of this document the barons laboured to preserve. Nor have we any hint of the Norman barons leaning in their troubles towards the disherited and despised Saxon nobility.

The restoration of Saxon laws, so loudly proclaimed, was only to obtain popularity for their Norman designs, and hence the attesting witnesses, except those in holy orders, were Normans, for there is not one solitary name taken from the Saxon nobility.

Still we are bound to respect this charter, and to revere the memory of those able men, who won it by their own swords for the benefit of succeeding ages; it was a step gained in the march of liberty, and though the movement of free institutions is an oscillating one, there is a decided progress and advance in a certain number of years, and, every abatement considered, Magna Charta was an advance which no time has ever been able to retrace.

"Freedom's battle once begun,  
Though baffled oft, is ever won."

As we are now in the gloom of that period, which, till the time of the Reformation, will ever be deemed the dark ages in which the successive generations of the men of Nottingham have acted their part in the sanguinary drama then performing on the theatre of life, we may be excused a word or two on a subject so interesting as that which now presents itself.

We are by no means prepared to admit that the Saxon laws of the kingdom, sustained that complete disruption, and super-

sedure by those of the Norman government, which some persons have imagined ; it is well known that William the Conqueror prided himself in being the legitimate heir of Edward the Confessor, especially in the early part of his reign, and for this purpose applied himself sedulously to acquire the Saxon language, in order that he might be more acceptable to his new subjects, and caused all his charters to be written in the native tongue.

Still we admit great changes were introduced by him into his newly conquered dominions, by which the liberty of the subject was grievously fettered.

1. There was a Curfew, *Couvre*, the name given to the bell which rung in every parish in the kingdom, at a certain hour of the evening, at which time every one must rake up his fire, and put out every light, and remain in darkness till the next morning. While this was intended to prevent the natives from visiting each others houses in the evening, to form plots against his throne, greatly encouraged robbers and midnight banditti, to spoil the goods of the peaceable inhabitants. The Curfew was considered by our fathers as the last link in the chain of their degradation, by the harsh Conqueror, and justly detested by every Saxon.

Then again there were laws promulgated which were culpably partial in their operation, calculated to perpetuate distinction of blood, and must have had a tendency to foment discord and strife. Nottingham, as we have before observed, was after the conquest, divided into French and English boroughs, having each a separate court and jury. The Moot-hall of the French borough, being at the top of Wheeler-gate, where Mr. Thomas Bailey has now his wine vaults ; and that for the English borough, on the site of the present Guildhall, this distinction was kept up till little more than a century back, 1714, in the time of the mayoralty of John Collin, Esq. The blood of a Norman used to be valued above that of an Englishman, as will appear by the following custom, which was called "Casting the Blood."

If in a quarrel bloodshed was committed in any part of the town, four constables were called and sworn before the mayor, or some other justice of the peace, before these the witnesses were to be heard upon oath, which done the said constables were to determine which of the contending parties drew the blood, and in which of the boroughs the mischief was done. If in the English borough, the offender was adjudged to pay to the king, 6s. 4d. ; but if in the French borough, the fine was 18s. The same distinction was made between English blood and Norman. The last trace of this envious distinction being kept up, was so late as the 17th century, in the reign of Charles I.

But the heart and soul of all these and other evils too numerous to mention, were the hated *feudal laws*, which foreigners imposed upon the people. A feudal kingdom, observes the late Sir James Mackintosh, was a confederacy of a numerous body of lords, who lived in a state of war against each other, and of rapine toward all mankind, in which the king according to his ability, and vigour, was either a cypher or a tyrant; and a great portion of the people were reduced to personal slavery. The feudal system, utterly subversive of liberty, and unfavourable to the best interests of society, was fatally experienced in its effects. There were no efficient barriers in the state, by which arbitrary authority could be checked on the one hand, or anarchy and confusion on the other. Although the power of the monarch was unlimited, yet what may seem paradoxical, it was irregularly controlled, and often annihilated by the nobles. The oppressions which originating with him, had flowed through the medium of the latter, began now to be exercised by themselves; within their respective domains they assumed the character and bearing of independent sovereigns; hence the sources of oppression were multiplied, and the inferior orders groaned under this tyrannical servitude. Numberless petty wars ensued, which as they were conducted with the most inveterate rancour, spread desolation in all quarters, and power seemed only to have been bestowed by heaven, or devised by human malignity, to augment the miseries of mankind. Its efficacy, as a saving or protecting principle, was not felt or excited to action; and its more amiable prerogatives of justice and mercy, were lost or forgotten. Fortresses were erected to awe and terrify, not the armies of hostile and foreign assailants, but their own subjects and fellow-citizens; these unmitigated ills were nursed by the Norman barons, whose grand object was the consolidation of their loosened and wasting power over the people. Patriots they might be called, when we reflect what patriots generally are. But, for the intermixture of good, however small, with which Magna Charta was accompanied, we respect the names of its framers, but louder and more sincere would have been the voice of a kingdom's gratitude through every age, had its general interests been more attended to on Runne-mead Common.

## CHAPTER IX.

People whose intellectual faculties are miserably weak or foully perverted, are always snarling at the present day, as one of degeneracy, but are charmed to ecstasy with the liberty and happiness with which, as with a bright halo in imagination, they surround the days that are past. Let such individuals test their notions with the impartial records of historical truth, can they turn up that bright page in any of its volumes, when the people were half so generally civilized, half so learned, pious, and happy, as they are now?

What was the condition of the people of Nottingham before and after the days of king John, when the eyes of its inhabitants were often dazzled with the splendour of a court? Passing through the many sieges, sackings and burnings through which this town has passed, only consider it in a time of peace, and then look at the splendour of the nobility! When Chancellor Longchamp, visited Nottingham to attend the Parliament of Richard I. held in the castle, besides other persons in his retinue, he had thousand horsemen; nor was this more than his usual attendance. The attendants on the Norman chiefs from their immense possessions obtained in this country were increased to an incredible amount; when they journeyed, there were throngs of knights, foot-soldiers, baggage waggons, tents and pack-horses, players, and prostitutes, and the marshalls of the prostitutes, confectioners, mimic-dancers, barbers, pimps, and parasites; in the rising at morn of this medley to commence the march of the day, there was justling, overturning, shouting and brawling, it might have been thought hell had let loose its inhabitants. Such was the real squaledness of the common people, that lay beneath this superficial glitter.

The train of Beckett, who went on an embassy to Paris may serve as an illustration of the idolatrous height to which the nobility had advanced; and also the low degradation of the mass of the people. He was attended by two hundred knights, besides many barons and nobles, and a complete host of domestics, all richly armed and attired, the chancellor himself having twenty-four changes of apparel. As he travelled, his train of waggons, and sumpter horses, his hounds, and hawks, his huntsmen and falconers seemed to announce the presence of more than

a king. When he entered a town, the procession was led by two hundred and fifty boys singing national songs; then followed his hounds, led in couples, and these were succeeded by eight waggons, each drawn by five large horses, and had five drivers in new frocks. Each waggon was covered with skins, guarded by two men and a fierce mastiff. Two of the waggons were loaded with ale, to be distributed among the people; one carried the vessels and furniture of his chapel; another of his bed-chamber; a fifth was loaded with his kitchen requisites; a sixth carried his abundant plate and wardrobe; the other two were devoted to the use of his servants. After the waggons, came twelve sumpter horses, a *monkey riding* on each, with a groom behind on his knees; then came the esquires carrying the shields, and leading the war-horses of their respective knights; then other esquires, (youths of gentle birth), falconers, officers of the household, knights, priests, and last of all the chancellor himself with his familiar friends, such pageants as these had become familiar to the people of Nottingham, in ages past when it was so frequently visited by royalty. But how sad and degraded were the multitudes; every serf was compelled to wear a broad iron collar riveted round his neck, on which was engraved the name of his master, hence the old English proverb,—

“Norman’s saw on English oak,  
On English neck a Norman yoke;  
Norman spoon in English dish,  
And England ruled as Normans wish;  
Blithe world to English never will be more,  
Till England’s rid of all the four.”

The manner in which the taxes were imposed on the people, in some instances, was very objectionable; apart from the consideration that after the conquest they were treated as a nation of slaves. The 781 royal parks, the 13 chases, and 68 forests which belonged to the crown, Sherwood, in which Nottingham was comprehended, being one; and the heavy fines in which the people were mulct for the slightest offence of the game laws, constituted a very considerable part of the annual revenue; not one of these, and a thousand other evils, were removed, abated, or even touched upon by Magna Charta.

The price of wheat, third year of king John, A. D. 1202, ranged from two to six shillings per quarter of 512 lbs. Corn mills used to be worked by hand, water mills were known on the continent so early as the sixth century, and were introduced into



England about a century later ; certainly wind mills to grind corn were not known in England till the eleventh century, and whoever visits Nottingham, and looks on the long line of wind mills on the north-west; twenty two within a stone throw of each other, will be inclined to judge the first millwright that ever emigrated to this country, must certainly have fixed his residence, and commenced his business of wind mill making at Nottingham.

But no one might have a corn mill but the lord of the manor ; he also monopolized the baking of bread for all his tenantry at the common *fournes* ; but the necessity of the case put an end to this. Then they fixed the assize of bread, and the price to which it was to be sold by bakers, who were severely punished for lack of size. The first offence subjecting them to the loss of the bread, the second imprisonment, the third to the pillory or tumbrell. The baker was allowed to make a profit of *three pennies* the quarter, As we said, in 1202, wheat varied from two to six shillings per quarter, in this year a scale was formed by act of Parliament, which fixed the weight of the farthing loaf at each fluctuation. Thus when wheat sold at two shillings the quarter, the loaf of white bread was to weigh 4lbs. and the loaf brown 6 lbs., and the weight proportionally decreased at each advance in the price of wheat. (a)

The arts went on improving, bridges, which had been of wood, were now built of stone. The textile arts were improved ; the introduction of the art of weaving woollen cloth by the Flemings, had become, in Nottingham, &c. of sufficient importance to be the subject of regal charter, by king John, who, as we have seen, granted the burgesses of Nottingham a Merchant's Guild, who, by paying him sums of money, obtained *secret licenses*, permitting them to manufacture and sell cloth under the prescribed measure.(b) The shoeing of horses with iron is supposed not to have been usual before the time of the Conqueror. (c)

The Normans shaved the upper lip and the whole beard, the hair of the head was cut close at the back, but longer at the sides and in front, very nearly as it is worn now. Their general habit consisted of the tunic, the short cloak, the tight leather hose, called *chausses*, the leg bandages. and shoes or short boots. The Anglo Normans wore a great variety of caps, but the round flat topped Phrygian shaped, and flat sort of bonnet, like the Scotch bonnet, were the most common.

(a) Lingard His. of England, Vol. II. (b) Hvenden, Annal. p. 468 col. 12.

(c) Beckmen His. of Inventions, Vol. II. p. 310

In the female costume, the change was more in name than in garment; the *gunna*, or gown, became the robe and the veil, or head cloth, the *couvere-chef*, from whence the modern kerchief. The hair was worn very long and plaited after the ancient Gothic, or in the modern Swiss fashion. The sleeves of their tunics were long, and descended considerably below the hand. Peak-toed boots and shoes, some terminated like a scorpion's tail, others stuffed with tow and curling round like a ram's horn. Their outer garments were lined with rich furs, one of which was presented to Henry I., by the bishop of Lincoln, lined with black sable, with white spots, which cost £100. The train and sleeves of the ladies robes began to be worn so long at one time, that they were obliged to have them knotted up to prevent their trailing upon the ground. The Saxons wore their beards and hair long.

The science of heraldry arose out of the usages of knighthood and war. The adoption by each knight of some particular mark or cognizance, was rendered necessary by the sort of panoply in which he was wrapped, which otherwise, especially after the introduction of aventail, or the vizor would have made it impossible to have distinguished him in the fight or tournament. The Saxon and Norman warriors therefore, like their savage ancestors, in the wilds of Germany, were probably early accustomed to wear upon their crests, the figure of some animal; as the parts of defensive armour were multiplied, the chivalry assumed a more regular form, additional cognizances were painted upon the shields, which were chief memorials, or emblematic devices at first peculiar to each individual, but afterward to families.

It does not appear that family names were used till long after the conquest; Edmund Ironside, Athelred the Unready, William the Bastard, Richard the Lion-heart, &c., were the surnames by which even sovereigns were distinguished. The only addition to the christian name by which the proud barons were known, was the name of the place of their baronial residence; hence we have *de* (of) so frequently attached to ancient family names, as William *de* Strelley, of Strelley, Gervase *de* Clifton, of Clifton, John *de* Colwick, of Colwick, &c. *Le* (of) which sometimes refers to the place of his birth, or an office he might sustain. *Fitz* (son) taken from the immediate parentage of the individual, till it became a mark of low birth, or of bastardy, to be without such a distinction. It is related by one of our old chroniclers, the daughter and heiress of a great lord, named Fitzhamon, refused at first to give her hand to Robert, son of Henry I, for no other reason than because he had no *second name*; my father and my grandfather had each two

names, and it were a great shame for me to marry a man who has only one, though he be the son of a king. The king on this bestowed the very appropriate name of *Fitzroy*, which amounted to an acknowledgment of him as his son. He is the same who makes a very conspicuous figure in his reign, under the title of the duke of Gloucester, and who in the time of Stephen, as we have seen, devastated three counties, and burnt Nottingham.—  
(Page 157.)

Normans certainly introduced a more stately and durable style of architecture than had hitherto been common in the island; but if we take the descriptions we have left us of the Norman castle of Nottingham, we find a strange, uncouth, combination of grandeur and discomfort. That stately palace which had so often echoed through its spacious halls to the carousals of kings, had nothing better than litter or straw for its carpets, and a rug laid upon a wooden bench, or spread upon the floor was the best bed in it. The table of the royal banquet might blaze with the profusion of silver and golden plate, but did not supply the convenience of a fork, but the fingers of the guests were thrust into the rich dishes to draw out their contents, which they ate holding in their hands like monkeys.

Several English estates were held on condition of supplying fresh *straw* for the royal beds, and litter for the apartments of the palace (a) and Fitzstephen describing the splendid hospitality of Beckett while chancellor, adds as a special proof of his munificence, that he caused his servants to cover the floor of his dining room with clean straw or hay every morning in winter, and green branches of trees in summer, that those guests who could not sit down at table, might sit on the ground without spoiling their fine clothes. *Rush straver*, was an office in his majesty's household, till within a very recent date. There can be no doubt, despite the pomp and pageantry of former times, the common labourer has now more real comfort by far, than could be commanded by nobles and sovereigns in the days of king John.

Our ancestors, Saxon and Norman, were early risers, as is attested by their old proverb, which not only gives us the number of their meals in a day, but the time at which they were taken:—

“ To rise at five, to dine at nine,  
To sup at five, to bed at nine,  
Makes a man live to ninety-nine.

(a) See Blunt's *Ancient Tenures*.

The bread of the aristocracy was of the finest wheat, but cheap as it then was, the poor people could not get this comfort, though 3½ lbs. might be purchased for *one farthing*, but were content to live on bread made of still cheaper grain : rye, oats, and barley, and often not enough of that. Peter of Blois, in his letter, tells us, when speaking of the court of Henry II., unquestionably the most splendid in Europe, "I often wonder how one who has been used to the service of scholarship, and the camps of learning, can endure the annoyances of a court life, where there is no order, no plan, no moderation in any thing. A priest or a soldier attached to the court, has bread put before him, which is not kneaded, nor leavened, made of the dregs of beer, bread like lead, full of bran and unbaked ; wine spoiled by being either sour, mouldy, thick, greasy, rancid, tasting of pitch, vapid. I have seen wine so full of dregs put before noblemen, that they were compelled to filter it, rather than drink, with eyes shut and teeth closed, with loathing and retching. The beer at court is horrid to taste, and filthy to look at. On account of the great demand, meat, whether sweet or not, is sold alike ; though the fish is four days old, yet its stinking does not lessen its price. The servants care nothing whatever, whether the unlucky guests are sick or dead, provided there are fuller dishes sent up to their master's tables ; indeed the tables are (sometimes) filled with carrion, and the guests, stomachs thus become the tombs for those beasts who die in a course of nature. Indeed many more deaths would issue from this putrid food, were it not for the famishing greediness of the stomach (which like a whirlpool will suck in any thing,) by the help of powerful exercise, gets rid of every thing. But if the courtiers cannot have exercise, (which is the case, if the court stays for a time in town) some of them always stay behind at the point of death." (a)

The curfew is thought by some, to have been practised in England long before the Normans, and certainly was continued as a police regulation till the reign of queen Elizabeth. Ignorance is always superstitious, and our fathers were much addicted to it ; if they met a hare in their way, or a woman with her tresses dishevelled, a lame man, or a monk, these were evil omens, and betokened some calamity ; on the contrary, if a wolf was to cross them, if St. Martin's bird flew from right to left, or they met a hump-backed or a leprous man, strange enough, these were omens of good. The dead were buried in their best garments without

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(a) See translation in the Quarterly Review, Vol. lviii.

any coffins, they not being used till the time of Henry III., and then only by the rich.

The many forest chases and parks enclosed by the Normans, show that they as well as the Saxons were passionately fond of the chase, which they followed at all times of the year, and if the hunters broke through the enclosure of the poor cottager in pursuit of their game, and trod down perhaps the garden crop or the only bit of corn he had, was compelled to come out and offer refreshment to his spoilers, lest he should be accounted a disaffected person, and punished as a traitor. (a)

Horse-racing was certainly in practice now ; the biographer of Beckett has given us a description of the London horse-racing then held in Smithfield. "When a race is to be run by this sort of horses, (hackney and war-steeds) and perhaps by others also which were strong and fleet, a great shout is raised, and the common horses ordered to withdraw immediately out of the way. Three jockeys, sometimes only two, according as the match is made, prepare themselves for the contest, such as have been used to ride, know how to manage the horses with judgment, the grand point is to prevent a competitor from getting before them ; the horses are not without emulation, they tremble, are impatient, are continually in motion, and at last the signal is given, they strike, devour the course, hurrying along with unremitting velocity. The jockeys, inspired with the thoughts of applause, and the hope of victory, clap spurs to the willing horses, brandish their whips, and cheer them with their cries." It is very likely there were horse-racings in Nottingham, as early as the time of king John, who certainly held a tournament here ; probably the lists were outside Chapel-bar, in the fields fronting Park-row, (formerly Buttydyke,) from the fact that those fields were set apart for games of *archery*, bull, bear, and badger-baitings ; and Bearward-lane, (now Mount Street,) from its contiguity to these fields, was probably the place where the bears belonging the castle, and others visiting the town, were secured and fed, so that they were near at hand whenever they were to be torn with dogs, to please the more brutal spectators, which was called "baiting them."

"The origin of the tournament, the chief spectacle in this age, which may well be denominated the *chivalric* period, is now lost in the middle ages. As tournaments were practised in France and Normandy, it might have been expected they would have been introduced by the Normans, immediately on their establish-

(a) W. Newcomb.

ment in this country; instead of this we find William and his immediate successors absolutely forbade them. The reason assigned was their expense and danger.

During the reign of Stephen, when the prohibitory laws were much relaxed, tournaments were frequently held by the nobility. Tournaments were again suppressed by Henry II., but they partly revived in the reign of Richard I., and from this time they rose in importance in England, and speedily occupied a prominent place in the national institutions and history, and John sought to obtain popular favour by giving them every encouragement.

The space marked out for the combat, called the *lists*, was a level piece of ground, cleared of every impediment, and strongly enclosed with pailings, to prevent the intrusion of the crowd; the lists were entered by a gate, one at the north, and another at the south end, each was wide enough to admit two knights on horseback a-breast. At each of the portals were stationed two heralds, attended by six trumpeters, as many pursuivants, and a strong body of men at arms for maintaining order, and ascertaining the quality of the knights who proposed to engage in the martial game.

On a platform at the southern entrance, were pitched five magnificent pavilions, adorned with pennons, the chosen colours of the five knight's challengers; the cords of the tents were of the same colour. Before each pavilion was suspended the shield of the knight by whom it was occupied, and beside stood his squire quaintly disguised as a salvage or silvan man, or in some other fantastic dress, according to the taste of his master, and the character he was pleased to assume during the game. (a) The central pavilion was appropriated to the chief knight as the place of honour. From the entrance of the lists, a gently sloping passage, ten yards in breadth, led up to the platform on which the tents were pitched. It was strongly secured by a palisade on each side, as was the esplanade in front of the pavilions, and the whole was guarded by men at arms.

The northern access to the lists terminated in a similar entrance, of thirty feet in breadth, at the extremity of which was a large space for such knights as might be disposed to enter the lists with the challengers, behind which was placed tents containing refreshments of every kind for their accommodation, with armourers,

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(a) This sort of game, observes Sir Walter Scott. is supposed to have occasioned the introduction of supporters into the science of heraldry.

farriers. and other attendants, in readiness to give their services whenever they might be necessary.

The exterior of the lists were in part occupied by temporary galleries, spread with tapestry and carpets, and accommodated with cushions for the convenience of those ladies and nobles who were expected to attend the tournament. A narrow space betwixt these galleries and the lists gave accommodation to the yeomanry and spectators of a better degree than the mere vulgar, and might be compared to the pit in a theatre; the promiscuous multitude arranged themselves outside in the best manner they could, to obtain a sight of the game.

It only remains to notice, respecting the general arrangement, that one gallery in the centre of the eastern side of the lists, and consequently exactly opposite to the spot where the shock of the combatants took place, was raised higher than the others, more richly decorated, and graced by a sort of throne or canopy, on which the royal arms were blazoned; squires, pages, and yeomen in rich liveries, waited around this place of honour for the chief guest; mostly one of the royal family. Opposite to this was another gallery, elevated to the same height, on the western side of the lists, and more gaily, if less sumptuously decorated than the former. A train of pages, and young maidens, the most beautiful who could be selected, gaily dressed in fancy habits of green and pink, surrounded a throne decorated in the same colours; among pennons and flags bearing wounded hearts, burning hearts, bleeding hearts, bows and quivers, and all the common-place emblems of the triumphs of cupid; this seat of honour was designed for the lady whom the conquering knight, should, by giving a garland of flowers and roses, select from among the fair ones, to represent, as long as the game continued, the queen of beauty and love.

The laws of tournament, were briefly the following:—

1st, The five challengers were to undertake all comers.

2nd, Any knight proposing combat, might, if he pleased, select a special antagonist from among the challengers by touching his shield; if he did so with the reverse of his lance, the trial of skill was made with what was called the arms of *courtesy*, that is, with lances, at whose extremity a piece of round flat board was fixed, so that no danger was encountered, save from the shock of the horses and riders; but if the shield was touched with the sharp end of the lance, the combat was understood to be at *outrance*, that is, the knights were to fight with sharp weapons, as if in actual battle.

When the knights present had accomplished their vow, by each of them breaking five lances, the umpire was to declare the victor in the first day's tourney, who received a prize, generally a war horse of exquisite beauty, and also the peculiar honour of naming the queen of love and beauty, by whom the prize should be given the ensuing day.

After the heralds had finished proclaiming the laws, and before the tournament commenced, by the cry of largesses, largesses gallant knights, gold and silver were liberally contributed by the spectators, it being considered a high point of chivalry to exhibit liberally toward those whom the age accounted at once the secretaries and the historians of honour. The bounty of the beholders was acknowledged by the customary shouts of the love of ladies,—death of champions,—honour to the generous,—glory to the brave, amidst the hearty huzzas of the multitudes, and the pealings of martial music. This done, the heralds withdrew from the lists in gay and glittering procession, and none remained within save the martials of the field, who, armed cap-a-pie, sat on horseback motionless as statues, at the opposite ends of the lists. Then the barriers were opened, and five knights, chosen by lot, advanced slowly into the area, a single champion riding in front, and the other four following in pairs, upon whom all eyes were fixed, as they advanced to the platform on which the tents of the challengers stood, and there separating themselves, each touched lightly the shield of the antagonist to whom he wished to oppose himself, and then returned to the extremity of the lists, where they remained drawn up in a line; while the challengers sallied each from his pavilion, mounting their horses, and at a signal given by the flourish of clarions and trumpets, from opposite ends of the lists, they started at full gallop against each other with couched lances, both striking with tremendous violence, either unhorsing his antagonist or breaking the lance against his shield, sometimes the shock was so great that both horses recoiled on their haunches, and the knights were thrown; to be unhorsed or mis-striking the adversary was to loose the game, and forfeit to the victor both his armour and horse, it was usual for him to allow the vanquished to redeem them if he choose.

The second day was a *Melee* or general tournament, in which all knights present might take part, and being divided in equal numbers, might fight it out manfully, until the signal was given by the president to cease the combat. The prize awarded to him who was adjudged to have borne himself best on the second day was usually a coronet, composed of a thin plate of gold cut in the shape of a laurel crown; on the second day the knightly games,



ceased; but on that which was to follow feats of archery, of bull-baiting, and other popular games, were instituted for the more immediate amusement of the populace.

Cock-fighting was not yet exalted to a noble or even manly amusement, but the germ of a ferocious habit was implanted in the youthful heart by allowing children to indulge in it. On Shrove Tuesday it was customary to allow each school boy to bring a fighting-cock to the school, which was turned into a *cock-pit* to fight for the diversion of the urchins. The game of foot ball was general in England so early as the 11th century, in the reign of Henry II. There were gangs of jugglers, tumblers, dancers, jesters, mimics, bagpipers, tabourers and glee men, who travelled from town to town, and from castle to castle, and were equally well received by the prince and the peasant.

The dancing bear and monkey were very common formerly, one bear and four or five monkeys were together, the latter were taught to tumble and mimic, playing on the harp and fiddle; a glee woman danced round an unmuzzled bear that endeavoured to seize her, while the bear keeper scourged the animal, exciting it to greater ferocity. The docility of the horse did not escape the notice of these ingenious tormentors; it was taught to dance and fence with its fore legs against a man armed with a staff and buckler, to put a trumpet to its mouth, as if to sound a charge, and beat a war point with its hoofs upon a drum or tabor. A still more cruel sport appears sometimes to have been exhibited, that of tying a horse to a tree and baiting it with dogs, three at a time; bob apple, nine pins, &c. &c. are all games of very ancient date. The intellectual game of *chess*, so undoubtedly of oriental origin, is commonly supposed to have been imported into England in this period by the Crusaders; there is, however, some reason to believe it was known to our Saxon ancestors before the Conquest.

The price of provisions at this time, was on the average, a farthing for the 4 lbs. loaf of white bread, but one of 6lbs. brown might be obtained for the same sum. The wage of a labouring man was three farthings a-day, equal to two shillings, when as at this time, a quartern loaf is eight-pence the 4 lbs. An artisan, three-halfpence, equal to four; and a mechanic, two-pence, which so far as the price of bread is concerned, is equal to five shillings and four-pence.

## CHAPTER X.

1216. Henry III., eldest son of John, ascended the throne when only ten years old, he was a sovereign who had much cunning, instability and faithlessness, which caused his long reign, 57 years, to be one continued scene of disquietude and civil war. Henry made as light of breaking his oaths, and was as deeply perjured as his unhappy father, but by no means a cruel man, and abhorred the shedding of blood, and on the whole was more to be pitied than blamed.

Nottingham was honoured with a full share of his royal favour. First, by granting a general charter, applicable to all the royal forests; in one of which it will be remembered the town was situated. The principal clauses of this charter are:—

1. That offences against the forest laws should no longer be considered capital, but men killing deer should be punished with fines or imprisonment.

2. All the forests that had been enclosed since the time of Henry II. should be disforested and thrown open, by which wise and humane regulation a strong temptation to evil was removed, and contributed to the comfort and prosperity of the nation. The barons obtained some improvement in Magna Charta;—extended its provisions to Ireland, and a clause was added ordering the demolition of every castle, built, or re-built since the beginning of the war, between John and the barons. The following anecdote may tend to show the pains taking and ingenuity of the ecclesiastics and nobles, if possible, to induce the king to observe the obligations of an oath, from which we may easily infer what was the real character of this prince.

1253. Henry was obliged to call his scolding Parliament together, being so pressed for want of money, and every other means having been exhausted. On the 3rd day of May, the king went to Westminster-hall, in which place before the legislature was divided into lords and commons, having separate houses, the Parliament (as it was now called) assembled. The bishops and abbots were apparelled in their canonical robes, and every one held a burning taper in his hand. A taper was offered to the king, but he refused it, saying he was no priest. Then the patriotic Edmund, archbishop of Canterbury, having succeeded the im-

mortal Langton, stood up before the people, and denounced sentence of excommunication against all who should directly or indirectly infringe the charters of the kingdom. Every striking, every terrific part of the ceremony having been performed, the prelates and abbots dashed their tapers to the ground, and as the lights went out in smoke, they exclaimed "May the soul of every one who incurs this sentence, so stink and be extinguished in hell." The king subjoined in his own behalf "So help me God, I will keep these charters inviolate, as I am a man, as I am a christian, as I am a knight, as I am a king crowned and anointed;" his outward behaviour, during this awful performance, was exemplary, he held his hands on his heart, and his countenance expressed a devout acquiescence, but the ceremony was scarcely over, and he had obtained the money that he wanted, than following the impulses given by his foreign favourites, returned to his wonted faithlessness, and utterly uprooted the last remains of confidence the nation had in him.

When Richard I. had set out on the holy crusade, earl John was governor of this castle, but was displaced by Chancellor Longchamp, when John sought to obtain the throne, he gave command of it to the earl of Pembroke, but John found means of dispossessing him by bribing Allan de Lee, Peter Rowan-court, and other subordinates of the garrison. John then gave the command of the castle to Roger Montbegun, who after the siege by Richard surrendered it to that monarch, who as we have seen, conferred the honour on Reginald de Clifton, of Clifton, who honourably sustained the office till the 6th of king John, who then commanded Clifton to deliver up the castle to Robert de Veteriponte, who was at that time, (1215) sheriff of the counties of Derby and Nottingham, he, it appears, gave up the command to Philip March, who held it for John during the time of his first war with the barons.

1226. Henry III. Ralph Fitznicholas was made governor of the castle, but held it only for a month, and was succeeded by Hugh Fitzralph, then sheriff of the two counties. After him, William Bardolph was governor, who was taken prisoner by the earl of Leicester, at the memorable battle of Lewes, 14th May, 1264, at which time the king was taken prisoner, and Nottingham and the castle fell into the hands of Leicester's party, who made his son, Hugh de la Despenser, its governor.

Prince Edward having escaped from Dover castle, the liberation of the king quickly followed, and at the battle of Evesham, in August, 1265, the power of the barons was completely overthrown, and Leicester and his son, the governor of the castle, were

slain. After this event, prince Edward was appointed its governor, which office he sustained till the time of his father's death.

1252. Henry III. was at Nottingham, as appears from an ancient manor grant to Ralph de Freshville; and the town was again honoured by his presence, after the decisive victory at the battle of Evesham.

1265. When, as we said, prince Edward was put in possession of the castle, which as well as the town, had opened its gates to receive him, he marched from hence with a detachment into the county of Derby, which he ravaged with fire and sword to revenge the disloyalty of Ferrers, its earl.

1255. Henry III. was here again, as appears by a charter granted to the town, dated Nottingham. From this time Nottingham was regarded with considerable interest by Henry and prince Edward, its governor.

1272. October 18th. Only a month before that monarch's death, Henry issued a precept under the seal of state, whereby the king commanded his bailiffs and burgesses of Nottingham without delay, to make a postern in the wall of the said town, near the castle, toward Lenton, of such breadth and height, that two armed horsemen carrying lances on their shoulders might go in and out a-breast, where William, archbishop of York, had appointed it, who made the king understand, that it was expedient for him, and his heirs, and the castle and town. This postern stood near a reservoir, that has been formed by the Old Water-work Company, at the back of the General Hospital, part of the ruins were standing in Dr. Deering's time, 1750.

From this postern a bridge was thrown over the ditch, which ran northward by the side of the town wall to Chapel-bar, along Butt-dyke, (Park-row.)

Two charters of privilege were granted to this town, by Henry III.; the first is dated from Westminster, 24th day of February, 1230.

"Henry, by the grace of God, king of England, lord of Ireland, duke of Normandy and Aquitaine, and earl of Angers,—to all archbishops, bishops, abbots, priors, earls, barons, justices, sheriffs, reeves, ministers, and all bailiffs, and his faithful subjects, greeting.

The donations of king John are related and confirmed by the charter of Henry III., then proceeds:—

"And these gifts and donations being agreeable to us, we do for ourself and our heirs ratify and confirm the same to the burgesses aforesaid. And we have, of our own proper gift, granted, and by this our charter confirmed, for ourself and our heirs, to

the said burgesses and their heirs, that they pay the said tribute of fifty-two pounds a year, on two Terms, into our exchequer, (to wit) twenty-six pounds (*blanch*) at the close of Easter, and twenty-six pounds (*blanch*) at the octave of St. Michael; and that they and their heirs hold the said town of Nottingham by the said rent of fifty-two pounds as aforesaid. We also, for ourself and our heirs, have granted to the said burgesses and their heirs, that they take tonnage of all merchandize of weight within the said town of Nottingham, as is customary to be taken in other towns and cities throughout England. And that they have coroners from among themselves in the said town of Nottingham. And we will and strictly command, that the burgesses aforesaid have and hold, of our own proper gift, well, peaceably, freely and quietly, the liberties, usages and customs aforesaid, (to wit) that they pay every year into our exchequer, the said fifty-two pounds, (*blanch*) that they and their heirs hold the said town by the tribute of the said fifty-two pounds (*blanch*), that they take tonnage as aforesaid, and have coroners from among themselves in the said town of Nottingham, as aforesaid.

*Witness,*

“J. BATH,  
R. DURHAM,  
W. CARLISLE,  
H. DE BURGH, EARL HAUC,  
Chief Justice of England.  
HUGO DE NEVILL,  
GALFRED DE LUCY  
STEPHEN DE SEDGRAVE,  
RALPH, SON OF NICHOLAS DE  
CAPELLA,  
HEN. DE CAPELLA, and others.

“Given under the hand of the right reverend father R. CICESTER, bishop, our chancellor, at Westminster, the 23th day of February, in the fourteenth year of our reign.”

Observe, there is no mention of any *select body*, or corporation municipal in this charter, for as yet, there was no such body created, therefore, this, as well as the preceding charters, was given to burgesses, and to them expressly by name.

2nd, The fee farm rent of their possessions and privileges are raised £22, above what they were in the time of the Conqueror, as set down in Domesday book, (see p. 147,) there it was £30, here £52; the mint specified by Edward the Confessor, and by

William the Conqueror, is not mentioned here, probably it was disused, and had been long.

3rd, By this charter the burgesses were allowed to take tonnage of all merchandize of weight, within the said town of Nottingham.

4th, They were allowed to have *coroners* of their own, taken from among themselves, who should preside over all inquests that from time to time it might be necessary to institute.

1255. Twenty-five years after this charter, Henry III. granted a *second* charter of privileges to the town, at the time he was resident at the castle.

“Henry, by the grace of God, kind of England, lord of Ireland duke of Normandy and Aquitain, and earl of Angers,—to all archbishops, bishops, abbots, earls, barons, justices, sheriffs, reeves, ministers, and all bailiffs, and his faithful subjects, greeting.

“Know ye that we have granted, and by this our charter, confirmed, to our burgesses of Nottingham and their heirs for ever, that they shall, throughout the whole land, and wheresoever we have jurisdiction, enjoy the following privileges, (to wit) that neither they nor their goods shall be attached for any debts for which they are not bound, or are not principal debtors; unless, as may be, they be of the commonality, and are able to satisfy the same, wholly or in part, as shall be made reasonable to appear, justice being refused to be done to the creditors by the said burgesses. And we also, by this our charter, have granted and confirmed to the said burgesses, that they have for ever the return of all writs of summons of our exchequer, of all things pertaining to our said borough of Nottingham, so that no sheriff, bailiff, or other our officer enter to execute such writs of summons, or make distress within our said borough, unless in default of the burgesses or bailiffs of the borough aforesaid: wherefore we will and strictly command, for ourseleves and our heirs, that the said burgesses and their heirs for ever, have the liberties and prescriptions aforesaid; and we forbid any one, on pain of the penalty of ten pounds aforesaid, in any wise unlawfully to molest or disturb them the said burgesses.

“Witness,

ROGER DE PICOT, Earl of Norfolk,  
Marshal of England.

RALPH, son of N. DE LESSINGHAM,  
JOHN DE LESSINGHAM,  
RICHARD DE GREY,  
WILLIAM DE GREY,

IMPERT PIC— — —\*

WAN KELIN DE ARDEN

PETER EVERED.

WILLIAM GEREYN, and others.

"Given under our hand, at Nottingham, the twentieth day of July, in the thirty-ninth year of our reign." 1255.

The additional advantages secured by this charter to the burgesses of Nottingham, being the free resident householders, paying scot and bearing lot, entered, sworn and enrolled at the court leet, having resided in the borough a year and a day, are two.

1. Freedom from arrest of persons, imprisonment for debt, or destraint on goods, under certain conditions therein specified.

2. A greater independence of the borough than had hitherto been enjoyed, and its freedom from the control of the sheriff of the two counties, at least so far as the return of all writs of summons of exchequer were concerned, after which time, no bailiff or other officer under the crown, should be allowed to enter and execute writs of summons or distress in the borough, unless the resident burgesses or bailiffs neglected to discharge the duty.

We have before seen that king John caused a general prison to be erected for the use of the town, and the counties.—(*Page 147.*) It is not unlikely that as the power of arrest was now given by this second charter of Henry III., to the burgesses] of the two boroughs, that each had its appropriate jail, for the confinement of debtors within their own limits; but the town was not formally removed from the honour of Peverel, till 1316, the ninth year of Edward II. There is a tradition that while that court was held in the borough, the mace that is now carried before the mayor used to be carried before the steward of the Peverel court. (a)

Henry III., died at the age of 67, after a long and unquiet reign of 57 years, and was succeeded by

Edward I. November 16th, 1272, of whom it may be truly said, when we consider his wisdom and vigour, tempered with prudence; his promptness and decision in all state affairs, few sovereigns that ever wore the British crown, gave a more illustrious development of their kingly qualities than Edward I. He is said to have been remarkably temperate, bold, and generous as Richard I., like whom he possessed almost a giant's strength; he was humane, and brave as his own sword. This monarch after having

(a) See Dr. Deering, p. 127.

subdued the Welsh, strove to annex Scotland to his crown ; and during his frequent and sanguinary wars against the Scots, often halted in Nottingham, and took up his temporary residence in the castle, that had been the favourite abode of his grandfather John, 1278, and 6th of his reign ; Edward appointed Reginald de Grey, governor of the castle, and also sheriff of the united counties of Nottingham and Derby, as it is said, in consideration of many important services he had rendered to the crown, he stood high in the favour of his prince, from whom he received extensive grants of lands, in different parts of the kingdom. He was appointed assistant to the king's son, Edward, prince of Wales, in his government of the kingdom during the king's absence, and held a post of honour in the English army then in Scotland. From this branch of this ancient and honourable family, the unfortunate Lady Jane Grey descended.

From the charter of this prince given at Lincoln, in 1284, and 12th of his reign it is very evident that the burgesses of Nottingham had fallen under the displeasure of the king, whose anger was so exasperated against them, that by an unwonted, and perhaps unconstitutional stretch of the royal prerogative, removed every honour and every privilege of the burgesses, which they had hitherto enjoyed by custom or legal charter.

Thus was Nottingham, one of the oldest and most important, and celebrated towns in this part of the kingdom, shorn of all its valued privileges for three whole years, as will be seen by the charter, of which the following is a translation :—

“ Edward, by the grace of God, king of England, lord of Ireland, and duke of Aquitain ; to all archbishops, bishops, abbots, priors, earls, barons, justices, sheriffs, reeves, officers, and all his bailiffs and faithful subjects, greeting.

“ Whereas we, for certain *offences* committed by the burgesses and commonalty of our town of Nottingham, under pretence of privileges of the same, have, for more than three years, taken the said town and liberties thereof into our hands.—We, being desirous to confer an especial favour upon the said burgesses and commonalty, have restored to them the said town, with all the privileges which the burgesses and men thereof heretofore held, by virtue of the charters of the kings of England our predecessors, by granting to the said burgesses, for ourselves and our heirs, to the said burgesses and commonalty, to enjoy and use the said liberties in the same manner they enjoyed and used the same at the time of the seizure of the said town into our hands, according to the tenor of the charter aforesaid :—nevertheless, that they and their successors pay, every year, into our exchequer, out of the said



town, fifty-two pounds, as they were used to do, and the additional sum of eight pounds yearly. And for bettering the state of the burgesses and men of the said town, we have granted that they choose, from among themselves, a mayor, which mayor, (the burgesses of each borough being assembled) they shall unanimously and freely choose, every year, on the feast of St. Michael the archangel, that he may have precedence over the bailiffs and others of the said town, in all things that pertain to the governing and aid of the same. And immediately after the election of such mayor, each borough shall choose a bailiff, according to the custom of the said boroughs, who shall perform the several duties pertaining to his office. And that the said burgesses and their successors, besides the fair that they have for eight days on the feast of St. Matthew the Apostle, have for ever another annual fair in the said town, to begin on the eve and day of the feast of St. Edmund, the king and martyr, to continue the twelve following days, unless it may prove detrimental to any neighbouring fair held at that time.—Wherefore we will, and strictly command, for ourself and our heirs, that the aforesaid burgesses and men, and their successors, besides their fair for eight days at the feast of St. Matthew the Apostle, for ever have another annual fair in the said town for fifteen days, on the vigil of the day and the morrow of the feast of St. Edmund, the king and martyr, with all the privileges and free customs appertaining to fairs of this sort, unless it may prove detrimental to any fair held at that time as aforesaid.”

*Witness*

“R. BATH, and WELLS.

A. DURHAM,

T. DE CLARE,

JOHN DE VESEY,

R. DE TIBITOT

ROBERT SON OF JOHN and Others.

“Given under our hand at Lincoln, the 11th day of February, in the twelfth year of our reign. 1284.”

1. The privileges conferred on the burgesses, resident householders, by the charters of former kings are by this, all restored

2. For this act of royal grace and favour, the burgesses are commanded to pay £52. as aforesaid, and £8. additional, making together £60. which constitutes the farm rent paid to the crown, from that time, 1283, to the present day, 556 years.

3. For bettering the state of the burgesses, they were by this charter of Edward I. empowered to choose a *mayor*.

4. That the mayor was not to be elected to his office by aldermen, for as yet there were none, nor by senior, nor junior council, (for up to, and far beyond this period, no select bodies or corporations municipal had been created,) but by the *unanimous* voice of the burgesses of both boroughs, being assembled, and by them chosen *from among themselves*, from which, the inference results, that the company of merchants had nothing to do with municipal government, or advantages; and a mayor and burgesses might or might not be members of the merchant's guild.

5. The mayor was to have jurisdiction over both boroughs, and presidency of sheriffs or other officers employed in maintaining the peace.

6. The mayor was only to retain the office one year, a fresh one being annually chosen, by the burgesses, out of their own class of citizens, on the feast of St. Michael, 29th Sept. in each year.

7. Two bailiffs were to be chosen at the same time, who were each to discharge the duties pertaining to his respective borough.

8. Besides a fair they had of eight days, commencing on the feast of St. Matthew the Apostle, 2nd Oct. N. S. the burgesses were empowered to hold another annual fair for twelve days, commencing on the eve and day of St. Edmund the king and martyr, December 1st, O. S.; unless it proved detrimental to any neighbouring fair held at the same time.

From the private memoranda of one of our contributors, we are enabled to supply the following interesting particulars concerning those distinguished personages who have subscribed as witnesses to this and the four previous charters, the copies of which we have already submitted to the inspection of the public.

The charter of Henry II., (see page 184,) is subscribed by

1. William de Brasic, or Broase. This Norman gentleman is said to have been very high in the favour of the king, who, in 1247, and third of his reign, conferred the honour of Barnstaple on him. He was one of the barons who stoutly opposed king John, before whom he fell, having his lands and honours confiscated, lived the rest of his days in obscurity, and died in penury and want, an exile in Paris.

1210. 2nd. William de Caisnow, or Kayneto, a Norman baron, was a son of one of the officers of William I. When he died, does not appear, but his son Ralph was one of the barons who opposed king John, what afterward became of him is not known. The barony has long since become extinct.

3. William de Lannales, or Lanvaller, was also a favourite with Henry, and held lands in the neighbourhood of London. He was some time warden of the forest of Essex, and died at an extreme old age, in 1210.

4. Randulphus filius Engelbrornic was sheriff of the united counties of Derby and Nottingham, from 1155 to 1165, ten years in succession. This circumstance will enable us to fix pretty nearly the date of this most ancient charter, which was granted and signed by him as one of the witnesses, during his *sheriffalty*, a circumstance either overlooked or unknown to some of our local historians, who gave this charter the date of 1154, a year before Randulphus took office.

The following are the names of those who witnessed the charter of king John, dated from Clipston, 1199.

1. G. son of Peter, earl of Essex, i. e. Geoffery Fitz piers, earl of Essex. He obtained by marriage the vast estates of the Mandevill's, and afterward their title too, as earl of Essex, 1199, he died soon after 1212, having only enjoyed his title and honors 13 years.

2. William Brevere, was one of the vassal barons of king John, and was for many years governor of Bolsover castle, Derbyshire, he died 1226.

3. Hugo Bard, or Hugh Baldaff, was a Nottinghamshire man of whom little more is known. He died 1203.

4. B. son of Roger, Bertram Fitzroger, was a younger son of Roger Fitzrichard. This family held lands in the neighbourhood of Nottingham, there is no record of his death.

5. William de Studwell, William de Stuteville, was some time governor of Lincoln castle, he died in 1203.

6. Henry de Nevill, was baron of Raby castle, he died in 1227.

7. S. de Pater, Simon de Petershall, was a Bedfordshire gentleman, and a justiciar of England, 1206, he died 1210

8. G. de Norfolk, Gilbert de Norfolk had lands in Gunthorpe; he gave account of a hundred marks, and one palfrey for holding lands, the inheritance of his wife, (as long as he should live,) by whom he had had sons, but they died in his life time. This Gilbert de Norfolk, by the consent and entreaty of his wife, Emme de Frevill, gave to the canons of Welbeck, quittance of his passage over the Trent, at Gunthorpe ferry, as much as belonged to his part, and of his caelty at Lowdham, wholly, (see Fin. 7, John, 1208, m. 11,) he died soon after, leaving his wife a widow and childless.

9. Simon, archdeacon of Wells, is usually styled Simon de

Wells, and was ordained bishop of Chichester, by king John, in 1204 ; but died three years afterward, 1207.

10. John de Grey, archdeacon of Cleveland, he was afterwards ordained bishop of Norwich, and lord chief justice of England, to which he was advanced by his sovereign ; he held these dignities but a short time, for he died, 1204.

The witnesses to the first charter of Henry III. dated Westminster, 24th Feb. 1230, (see page 243 ) are

1. J. Bath, this was Juiline de Wells, who was at this time bishop, to which honour he had been advanced in the 7th year of king John, 1206, and sustained it 37 years, he died at an advanced age, 1242.

2. R. Durum, his name was Richard Poore, had been sometime bishop of Salisbury, but had been translated to the magnificent see of Durum, two years before, 1228, he died 1237.

3. William Carlisle, his name was Walter Mal Clerk, elected bishop of Carlisle, 1223 ; was also lord treasurer to his majesty, he resigned his bishopric in 1246, and died 1248.

4. Hugo de Burgh, earl Hauc, chief justice of England ; his name was Herbet de Burgh, created earl of Kent, in 1206, and died 1243.

5. Hugh de Neville ; Hugh de Neville of Essex, was the founder of the abbey of Stoke Courcy in Devonshire.

6. Galfred de Lucy ; this was Geoffrey de Lacy, was a branch of the famous family of the Lacy's, of Egremont, he died 1258.

7. Stephen de Sedgrave, of whom nothing more is known than the time of his death, which took place 11 years afterwards, 1256.

8. Ralph son of Nicholas de Capella.

9. Henry de Capella.

There is an entry in the register of Welbeck, that Hugh de Capella, 1206, married one of the daughters co-heiresses of the large estates of Robert de Summerville, of Oxton, in this county, by whom he had four daughters ; Cecilia, who married Walter de Cuily, Laderina, married to William Tesserand, Elizabeth, and Amacia who was married to Sewall le Foun, by whom she had a daughter, Lucia, who married Sampson de Strelley, second son of the late named Robert. The last mentioned witnesses are supposed to have been of the same family.

Second charter of Henry III., Nottingham, 20th July, 1255.

1. Roger de Picot, earl of Norfolk, created marshal of England, 1245.

2. Ralph, son of N. de Lessingham, was Ralph Fitznicholas, at this time warden of Nottingham castle.

3. John de Lessingham, was probably the son of Ralph Fitznicholas, as they were both of the same place.

4. Richard de Grey, the celebrated baron Grey of Codnor castle, and as we have seen was for ten years governor of the castle of Nottingham, Sir William Eland, of Algarthorpe, (Basford) was his deputy constable at the time Isabella and Mortimer were surprised, and the latter taken and executed by Edward III.

5. William de Grey, was lord of Sandiacre, and brother to Richard of Codnor.

6. Imbert Pic, was Imbert Picot; he held extensive lands in the counties of Nottingham and Lincoln.

7. Peter Evered; this family held lands in Devonshire. This gentleman as well as William Germyn, (the name of the next witness) appear to have been companions to the king, and travelled with him from place to place, their names appear as attesting witnesses to a charter granted to Yarmouth the year following, dated from Norwich, 25th March, 1255, and 40th of the reign of Henry III

Witnesses to the charter of Edward I., 1283, dated from Lincoln, at the time the parliament was held in that city, 11th February, 1283.

1. R. Bath and Wells, was Richard Burnell, bishop of Bath and Wells, and lord chancellor, he died 1292.

2. A Durum, was Anthony Beck, then bishop of Durum, and died in 1311.

3. T. de Clare, was Thomas de Clare, younger brother of Gilbert de Clare, earl of Hereford and Gloucester.

4. John de Vesey, all that we know of him is, that he died in 1239.

5. Robert Tibitot, was sometime governor of Nottingham castle.

6. Robert son of John, was brother to baron Fitzjohn.

1284, Edward I., the year after the charter was given to the burgesses, Robert de Crophill was elected first mayor of Nottingham, by the burgesses to the honourable office, and from his surname having the *de* preceding it, as well as from their known superior wealth, learning and advantages, it is very probable that this gentleman was an *Anglo-Norman* and a resident trader of the French borough.

The names of the mayors for the next two years are not known.

1286. Hugone le Fleming was this year elected mayor, probably was a master manufacturer of woollen cloth in this town, his name points him out as one whose ancestors emigrated from

Flanders. The names of the mayors for the next eight years are not known.

1294. Johannes le Pannier, was mayor, a Frenchman; his name points him out as a master *basket maker*; he had probably a house and gardens, which were situated in the neighbourhood of the present Milton's-head Inn, and gave name to the plot of land lying and being bounded by Old Glass-house Street, on the east; Mansfield road on the west; Charlotte Street, on the north, and Parliament-row, on the south, which was called *Pannier's close* till a recent period.

Randulphus Huston was mayor of Nottingham this year, 1297, parliament was held at York.

1294. 23rd Edward I. Philip, king of France, having made a seizure of Guinne, which belonged to the English crown, Edward determined to make war upon Philip to regain this part of his continental dominions, but needing a large grant of public money for this purpose, issued writs summoning a parliament to be held at Westminster, to grant him the necessary supplies. This year also the town and county were summoned by the king's writ, to send two members each to parliament, Westminster Hall, when Johannes le Fleming, and Willielmus de Hardley, two foreigners, were the first burgesses Nottingham returned to parliament; and Sir Gervas de Clifton, of Clifton, and Johannes de Annesly, of Annesly castle, were the two first knights returned to parliament for the shire. As the commons house of parliament is so important a branch of the British legislature, and as this is the first time of which we have any record of Nottingham and the county having being called upon to send their representatives to it, our readers may naturally expect from us some account of its origin and constitution.

The following is a very brief and condensed view of this honourable assemblage of persons acting in the capacity of legislators, to which Nottingham has had the honour uninterruptedly to return members from the time of Edward I. to the present day, (being one of the oldest boroughs in the kingdom,) embracing a period of 545 years.

The original institution of parliament is one of those matters which lies so far hidden in the dark ages of antiquity, that the tracing of it out is equally difficult and uncertain, and perhaps, when discovered of little use. The word *parliament* itself, is comparatively of modern date, derived from the French, and signifying an assembly that met and conferred together, it was first applied to general assemblies of the states under Louis VII. in France, about the middle of the twelfth century; but it is certain

that long before the introduction of the Norman language into England, all matters of importance were debated and settled in the great councils of the realm.

This general council hath been held immemorially under the name of *micel-synoth*, or great council, *micel-gemote*, or great meeting, and more frequently *written-a-gemote*, or the meeting of wise men. We have instances of its meeting to order the affairs of the kingdom, to make new laws, and to amend the old, so early as the reign of Ina, king of the west Saxons, Offa, king of the Mercians, and Ethelbert, king of Kent, in the several realms of the heptarchy. And after their union we are informed that king Alfred ordained for a perpetual usage, that these councils should meet twice in the year, and oftener if necessary, to treat of the government of the people, how they should keep themselves from sin, should live in quiet, and should receive right. Our succeeding Saxon and Danish monarchs held frequent councils of this sort, as appears from their respective codes of laws, the titles whereof usually speak them to be enacted either by the king with the advice of his wittena-gemote, or wise men, or to be enacted by those sages with the advice of the king, or lastly to be enacted by them both together.

There is also no doubt but these great councils were occasionally held under the first princes of the Norman line; Glanville, who wrote in the reign of Henry II., speaking of the particular amount of an amercement in the sheriff's court, says, "It had never yet been ascertained by the general assize or assembly, but was left to the custom of particular counties; here the general assize is spoken of as a meeting well known, and its statutes or decisions are put in a manifest contradistinction to custom or the common law; and in the time of Edward III., an act of parliament, made in the reign of William the Conqueror, was pleaded in the case of the abbey of St. Edmund's-bury, and judicially allowed by the court.

Hence it indisputably appears that parliaments or general councils are coeval with the kingdom itself; how these parliaments were constituted and composed is another question, which has been a matter of dispute among our learned antiquaries, and particularly whether the commons were summoned at all, or, if summoned, at what period they began to form a distinct assembly. But it is not our intention here to enter into controversies of this sort; we hold it sufficient that it is generally agreed, that in the main, the constitution of parliament as it now stands, was marked out so long ago as the 17th year of king John, A. D. 1215, in the great charter granted by that prince; wherein he promises

to summon all archbishops, bishops, abbots, priors, earls, and greater barons, personally, and all other tenants in chief, under the crown, by the sheriff and bailiffs, to meet at a certain place, within forty days' notice to assess, aids and scutages when necessary; and this constitution has subsisted in fact at least from the year 1266, 49th Henry III, there being still extant writs of that date, to summon knights, citizens, and burgesses to parliament. We proceed, therefore, to enquire wherein consists this constitution of parliament as it now stands, and has stood at least for the space of five hundred years. And in the prosecution of this enquiry, we shall consider, 1st, the manner and time of its assembling; 2ndly, its constituent parts; 3dly, the laws and customs relating to parliament, considered as one aggregate body; 4thly and 5thly, the laws and customs relating to each house, separately and distinctly taken; 6thly, the methods of proceeding and of making statutes in both houses: and lastly, the manner of the parliament's adjournment, prorogation and dissolution.

1. As to the manner and time of assembling,—the parliament is regularly to be summoned by the king's writ or letter, issued out of chancery by advice of the privy council, at least forty days before it begins to sit. It is a branch of the royal prerogative that no parliament can be convened by its own authority, or by the authority of any but the king alone; nor is it an exception to this rule, that, by some modern statutes, on the demise of a king or queen, if there be then no parliament in being, the last parliament revives, and is to sit again for six months, unless dissolved by the successor; for this revived parliament must have been originally summoned by the crown.

In case of the demise of the king, between the dissolution of parliament and the day appointed for the assembling of a new one, by the acts 37 Geo. III, chap. 127, and 39, and 40, Geo. III. chap. 14, the last preceding parliament shall meet and sit, and continue to sit six months, unless sooner prorogued or dissolved by the successor; and in case of the king's demise, on or after the day of assembling a new parliament, such new parliament shall meet and sit subject to the will of the successor. The king may also issue his proclamation for the meeting of parliament in fourteen days from the date thereof, notwithstanding a previous adjournment to a longer day.

There has however, been one instance where the king's writ has been held for the time unnecessary; thus, by a statute, 16 Charles I., chap. 1, it was enacted that, if the king neglected to call a parliament for three years, the peers might assemble, and issue out writs for choosing one, and in case of a neglect of the peers,



the constituents might meet, and elect one themselves; but this act was repealed by statute 16 Charles II., chap. 1.

Again, the convention parliament, which restored king Charles II., met above a month before his return; the lords by their own authority, and the commons in pursuance of writs issued in the name of the keepers of the liberty of England, by authority of parliament; and the said parliament sat until the twenty-ninth of December, full seven months after the restoration, and enacted many laws, several of which are still in force. But the first thing done after the king's return, was to pass an act declaring this to be a good parliament notwithstanding the defect of the king's writs. And yet, out of abundant caution, it was thought necessary to confirm its acts in the next parliament by statute 13 Car. II. c. 7, and c. 14.

And again, at the time of the revolution, A. D. 1688, the lords and commons by their own authority, and upon the summons of the prince of Orange, (afterwards king William,) met in a convention, and therein disposed of the crown and kingdom. But it must be remembered that these assemblings were upon a principle of necessity, for at the restoration there was no king here to issue the writs, so in 1688, the lords and commons acted upon a full conviction that king James II., had abdicated the government, and that the throne was thereby vacant, which supposition of the individual members was confirmed by their concurrent resolution when they actually came together. For, let us put another case, and suppose for the sake of argument, that the whole royal line should at any time fail, and become extinct, which would indisputably vacate the throne; in this situation it seems reasonable to presume, that the body of the nation consisting of lords and commons, would have a right to meet and settle the government, otherwise there must be no government at all.

And upon this principle the convention in 1688 appears to have been assembled. The vacancy of the throne was precedent to their meeting without any royal summons, not a consequence of it; they did not assemble without writ, and then make the throne vacant, but being vacant by the king's abdication, they assembled without writ, as they must do if they assembled at all. Had the throne been full, their meeting would not have been regular, but as it was really empty, such meeting became absolutely necessary; and accordingly it is declared by statute 1 W. and M. s. 1. c. 1. that this convention was really the two houses of parliament, notwithstanding the want of writs or other defects of form. So that notwithstanding these two capital exceptions, the rule laid

down is in general certain, that the king only can convoke a parliament. Yet we must not be led away with a strict idea of form, for it is clear that the parliaments in any great emergency, whether arising from the abdication or arbitrary conduct of the king, has a right of itself to meet, without considering the act of Charles at all, common sense and general safety being much surer guides than acts of parliament, however skilfully worded they may be.

By the ancient statutes of the realm, the king is bound to convoke parliament every year, or oftener if need be. Not that the king is, or ever was obliged by these statutes to call a new parliament every year, but is bound only to permit a parliament to sit *annually* for the redress of grievances, and despatch of business; and if need be, he is bound to allow it to sit oftener than once a year. These words, "oftener if need be" by forced construction were thought so loose and vague, that such of our monarchs as were inclined to govern without parliaments, neglected the convoking them sometimes for a considerable period, under pretence that there was no need of them; but to remedy this, by the statute 16, Charles II., chap. 1, it is enacted, that the sitting and holding of parliaments, shall not be intermitted above three years at the most. And by the statute 1, William and Mary, section 2, chap. 2, it is declared to be one of the rights of the people, that for redress of all grievances, and for the amending, strengthening and preserving the laws, parliaments ought to be held frequently; and this indefinite frequency is again reduced to a certainty by statute 6, William and Mary, chap. 2, which enacts, as the statute of Charles II. had done before, that a new parliament shall be called within three years after the determination of the former.

II. The constituent parts of a parliament are the next objects of our inquiry, and these are the king's majesty sitting there in his royal political capacity, and the three estates of the realm: the lords spiritual, the lords temporal (who sit together with the king in one house) and the commons, who sit by themselves in another; and the king and these three estates together form the great corporation, or body politic of the kingdom, of which the king is said to be the head, for upon their coming together the king meets them, either in person or by representation, without which there can be no beginning of a parliament, and he also has alone the power of dissolving them.

It is highly necessary for preserving the balance of the constitution, that the executive power should be a branch, though not the whole of the legislative. The total union of them we have

seen would be productive of tyranny, the total disjunction of them for the present, would in the end produce the same effects, by causing that union, against which it seems to provide; the legislature would soon become tyrannical by making continual encroachments, and gradually assuming to itself, the rights of the executive power. The crown cannot begin of itself any alterations in the present established law; but it may approve or disapprove of the alterations suggested, and consented to by the two houses. The legislative therefore, cannot abridge the executive power of any rights which it now has by law, without its own consent, since the law must perpetually stand as it does now, unless all the powers will agree to alter it. In the legislature, the people supposing them to be actually represented, are a check upon the nobility, and the nobility a check upon the people; by the mutual privilege of rejecting what the other has resolved; while the king is a check upon both, which preserves the executive power from encroachments; and this executive power is again checked, and kept within due bounds by the two houses, through the privilege they have of inquiring into, impeaching and punishing the conduct (not of the king,) of his evil and pernicious counsellors.

The next in order are the spiritual laws; these consist of two archbishops, and twenty-four bishops for England, besides four Irish bishops chosen in rotation, according to the act of union. All these hold, or are supposed to hold, certain ancient baronies under the king, for William the Conqueror thought proper to change the spiritual tenure of frankalmoign, or free alms, under which the bishops held their lands during the Saxon government into the feodal, or Norman tenure by barony, which subjected their estates to all civil charges and assessments, from which they were before exempt, and in right of succession to those baronies, which were unalienable from their respective dignities, the bishops and abbots were allowed their seats in the house of lords; but though these lords spiritual are in the eye of the law, a distinct estate from the lords temporal, and are so distinguished in most of our acts of parliament, yet in practice they are usually blended together under the one name of the *lords*, they intermix in their votes, and the majority of such intermixture joins both estates. And from this want of a separate assembly, and separate negative of the prelates, some writers have argued very cogently, that the lords spiritual and temporal are now in reality one estate, which is unquestionably true in every effectual sense, though the ancient distinction between them still nominally continues. For if a bill should pass their house, there is no doubt of its validity, though every lord

spiritual should vote against it, of which there are many instances ; as, on the other hand, it would be equally good, if the lords temporal present, were inferior to the bishops in number, and every one of those temporal lords gave his vote to reject the bill.

The lords temporal consist of all the peers of the realm, (the bishops not being in strictness held to be such, but merely the lords of parliament,) by whatever title of nobility distinguished, dukes, marquisses, earls, viscounts, or barons ; some of these sit by descent, as do all ancient peers ; some by creation, as do all new made ones ; others, since the union with Scotland and Ireland, by election, which is the case of the sixteen peers who represent the body of the Scotch nobility ; and the twenty-eight who are elected for life for Ireland. Their number is indefinite, and may be increased at will by the power of the crown ; and once in the reign of queen Anne, there was an instance of creating no less than twelve together ; in contemplation of which, in the reign of king George I., a bill passed the house of lords, and was countenanced by the then ministry, for limiting the number of the peerage ; this was thought by some to promise a great acquisition to the constitution, by restraining the prerogative from gaining the ascendant in that assembly, by pouring in at pleasure an unlimited number of new created lords ; but the bill was ill-relished, and mis-carried in the house of commons, whose leading members were then desirous to keep the avenues to the other house as open and easy as possible.

The commons consist of all such *men of property* in the kingdom, as have not seats in the house of lords, *every one of whom* has a voice in parliament, either personally, or by *his representatives*. In a free state every man who is supposed a free agent, ought to be, in some measure, his own governor ; and therefore, a branch at least, of the legislative power should reside in the *whole body of the people*. And this power, when the territories of the state are small and its citizens easily known, should be exercised by the people in their aggregate or collective capacity. But this will be highly inconvenient when the public territory is extended to any considerable degree, and the number of citizens is increased. In our country, therefore, it is contrived in theory, that the *people* should do that by their representatives, which it is impracticable to perform in person. It will be observed we have said *in theory*, we have done so for this reason, that no one is allowed to vote by the law of the land, who is not more or less, a possessor of property. Thus the counties are represented by knights, elected by the proprietors of lands ; the cities and boroughs are represented by *citizens* and *burgesses*, chosen by the merchantile part, or supposed

trading interest of the nation, in *practice*, therefore, the *people* are not all represented in parliament, although it is the fundamental principle of all society, that the whole community have a voice in making the laws by which they are governed, and therefore, in the choice of those persons to whom they will entrust that power. Of the justice or injustice of the rate of property qualification in a voter it is not our business here to inquire ; all that we have to do is to point out what is the law of the land. Every member, though chosen by one particular district, when elected and returned, serves for the whole realm ; for the end of his coming thither is not particular, but general ; not barely to advantage his constituents, but the common wealth.

These are the constituent parts of a parliament, the king, the lords spiritual and temporal, and the commons.

Parts of which each is so necessary, that the consent of all three is required to make any new law that shall bind the subject ; whatever is enacted for law by one, or by two only of the three is no statute, and to it no regard is due, unless in matters relating to their own privileges. Yet, in times of public commotion, the commons once passed a vote, " that whatever is enacted, or declared for law by the commons in parliament assembled, hath the force of law, and all the people of this nation are included thereby, although the consent or concurrence of the king or house of peers be not had thereto." But when the constitution was restored in all its forms, it was particularly enacted by the statute 13, Charles II. c. 1. that if any person shall maliciously or advisedly affirm, that both or either of the houses of parliament have any legislative authority without the king, such person shall incur all the penalties of a *præmunire*.

III. We are next to examine the laws and customs relating to parliament, thus united and considered as one aggregate body.

The power and jurisdiction of parliament is so absolute that it cannot be confined, either for causes or persons, within any bounds ; it hath sovereign and uncontrollable authority, in the making, confirming, restraining, abrogating, reviving, and expounding of laws, concerning matters of all possible denominations, ecclesiastical or temporal, civil, military, maritime, or criminal ; this being the placewhere that absolute despotic power, which must, in all governments reside somewhere, is intrusted by the constitution of the kingdoms. All mischiefs and grievances, operations and remedies that transcend the ordinary course of the laws, are within the reach of this extraordinary tribunal. It can regulate or new model the succession to the crown, as was done in the reigns of Henry VIII., and William III. It can alter the

established religion of the land, as was done in a variety of instances in the reigns of king Henry VIII., and his three children. It can change and create afresh even the constitution of the kingdom, and of parliament themselves, as was done by the act of union, and the several statutes for triennial, septennial elections. It can, in short, do every thing that is not naturally impossible, and therefore some have not scrupled to call its power by a figure rather too bold, the *omnipotence* of parliament; true it is, that what the parliament doth, no authority upon earth can undo. Locke, and other great theoretical writers have held, that "there remains still inherent in the people a supreme power to remove or alter the legislative, when they find the legislative act contrary to the trust reposed in them; for when such trust is abused, it is thereby forfeited, and devolves to those who gave it." But however just this conclusion may be in theory, we cannot practically adopt it by taking any legal steps for carrying it into execution, under any dispensation of government, at present actually existing. For this devolution of power to the people at large, includes in it a dissolution of the whole form of government established by that people, reduces all the members to their original state of equality, and, by annihilating the sovereign power in legal effect, repeals all positive laws whatsoever enacted. No human laws will therefore suppose a case, which at once will destroy all law, and compel men to build afresh upon a new foundation, nor will they make provision for so desperate an event, as must render all legal provisions ineffectual. Yet, notwithstanding, that human laws will not suppose such a case, and will not, therefore, provide for such an event, as such an event may happen, it is satisfactory to know that the principle laid down by Locke is consonant to reason and justice, and when necessary will doubtless be acted on.

In order to prevent the mischiefs that might arise by placing this extensive authority in hands that are either incapable, or else improper to manage it, it is provided by the custom and law of parliament, that no one shall sit or vote in either house, unless he be twenty-one years of age. This is also expressly declared by statute 7 and 8, William III., chap. 25, with regard to the house of commons; doubts have arisen from some contradictory adjudications, whether or not a minor was incapacitated from sitting in that house. It is also enacted by statute 7, Jac. I., chap. 6, that no member be permitted to enter the house of commons, till he had taken the oath of allegiance, before the lord steward, or his deputy, and by 30, Charles II., section 2, and 1, Geo. I., chap. 13, that no member shall vote or sit in either house till he hath in the pre-

sence of the house taken the oath of allegiance, supremacy, and abjuration, (the last having been altered by 6, Geo. III., chap. 53.) and subscribed and repeated the declaration against the transubstantiation and invocation of saints, and the sacrifice of the mass. But now by the statute 10, Geo. IV., chap. 7, Roman catholics are allowed to sit in parliament, by taking the oath that they will bear allegiance to the king, and defend him from all treasons and conspiracies, to support the succession to the crown, as at present existing, that they abjure all obedience to other persons claiming or pretending to right to the crown, and declaring it is not an article of their faith, and they renounce the opinion that princes excommunicated or deprived by the pope, or any other authority of the see of Rome, may be disposed of or murdered by their subjects, or by any person whatever : also declaring that they do not believe the pope, or any other prince, or potentate, to have any temporal power or jurisdiction, directly or indirectly, within the realm, and swearing to defend the settlement of property as by law established, and that they disclaim any intention to subvert the present church establishment as settled by law, and that they will never exercise any privilege to which they are or may become entitled, to disturb or weaken the protestant religion, or protestant government in the united kingdom, and solemnly professing in the presence of God, that they make such declaration, and every part thereof, in the plain and ordinary sense of the word, without any evasion, equivocation, or mental reservation whatsoever. Under such restrictions, the catholics are now allowed to sit in parliament. The act of course contains a variety of other provisions, but they are at present of little importance to consider. Aliens, unless naturalized, were likewise by the law of parliament incapable to serve therein ; and now it is enacted, by statute 12 and 13, William III., chap. 2, that no alien, even though he be naturalized, shall be capable of being a member of either house of parliament. And there are not only these standing incapacities, but if any person is made a peer by the king, or elected to serve in the house of commons by the people, yet may the respective houses upon complaint of any crime in any such person, and proof thereof, adjudge him disabled and incapable to sit as a member, and this by the law and custom of parliament.

For, as every court of justice hath laws and customs for its direction, some the civil and canon, some the common law, others their own peculiar laws and customs, so the high court of parliament hath also its own peculiar law, called the law and custom of parliament, of which is sufficient here to observe, that the whole of it has its own original form, this one maxim, "That

whatever matter arises concerning either house of parliament, ought to be examined, discussed, and adjudged in that house to which it relates, and not elsewhere." Hence for instance, the lords will not suffer commons to interfere in settling the election of a peer of Scotland, the commons will not allow lords to judge of the election of a burgess, nor will either house permit the subordinate courts of law to examine the merits of either case.

The *privileges* of parliament are likewise very large and indefinite. And therefore, when in 31, Henry VI., the house of lords propounded a question to the judges concerning them, the chief justice, Sir John Fortiscue, in the name of his brethren, declared "that they ought not to make answer to that question; for it hath not been used aforetime that the justices should in any wise determine the privileges of the high court of parliament. For it is so high and mighty in its nature, that it may make law, and that which is law, it may make no law; and the determination and knowledge of that privilege belongs to the lords of parliament, and not to the justices. Privilege of parliament was principally established, in order to protect its members not only from being molested by their fellow subjects, but also more especially from being oppressed by the power of the crown. If therefore, all the privileges of parliament were once to be set down and ascertained, and no privilege to be allowed but what was so defined and determined, it were easy for the executive power to devise some new case, and within the line of privileges, and under pretence thereof, to harass any refractory member, and violate the freedom of parliament. However, the more notorious privileges of the members of either house, are, privilege of speech and of person: as to the first, privilege of speech. It is declared, by the statute 1, William and Mary, section 2 chap. 2, as one of the liberties of the people, "that the freedom of speech, and debates, and proceedings in parliament, ought not to be impeached or questioned in any court or place out of parliament." And this freedom of speech is particularly demanded of the king in person, by the speaker in the house of commons, at the opening of every new parliament. So likewise is the privilege of person, which is an immunity as ancient as Edward the Confessor, and which included formerly not only privilege from illegal violence, but also from legal arrests, and seizures by process from the courts of law. And still, to assault by violence a member of either house, is a high contempt of parliament and there punished with the utmost severity. It has likewise peculiar penalties annexed to it in the courts of law by the statutes 5, Henry IV. c. 6, and 11, Henry VI. c. 11. Neither



can any member of either house be arrested and taken into custody, unless for some indictable offence, without a breach of the privilege of parliament. But all other privileges, which derogate from the common law in matters of civil right, are now at an end, save only as to the freedom of the member's person ; which in a peer (by the privilege of peerage) is for ever inviolable ; and in a commoner (by the privilege of parliament) for forty days after every prorogation, and forty days before the next appointed meeting ; which is now in effect as long as the parliament subsists, it seldom being prorogued for more than fourscore days at a time.

As to all other privileges, which obstruct the ordinary course of justice, they were restrained by the statutes 12 W. III. c. 3. 2nd and 3rd Anne, c. 18, and 11th Geo. II. c. 24, and are now totally abolished by statute 10 Geo. III, c. 50, which enacts, that any suit may at any time be brought against any peer or member of parliament, their servants or any other person entitled to privilege of parliament, which shall not be impeached or delayed by pretence of any such privilege ; except that the person of a member of the house of commons shall not thereby be subject to any arrest or imprisonment. Likewise for the benefit of commerce, it is provided by statute 4 Geo. III, c. 33. that any trader having privilege of parliament may be served with legal process for any just debt, to the amount of £100, and unless he makes satisfaction within two months, it shall be deemed an act of bankruptcy ; and that commissioners of bankrupt may be issued against such privileged traders, in like manner as against any other. But it is now enacted by statute 6 Geo. IV. c. 16, that traders if having privilege of parliament, shall not pay or compound to satisfaction of a creditor, or enter an appearance to any action within one month ; such shall be considered an act of bankruptcy, and the same act makes ample and proper provisions for compelling the obedience of members to orders of court of equity.

IV. The laws and customs relating to the house of lords in particular ; these, if we exclude their judicial capacity, will take up but little of our time.

One very ancient privilege is that declared by the charter of the forest, confirmed in parliament 9 Henry III. ; viz. that every lord spiritual or temporal summoned to parliament, and passing through the king's forest, may, both in going and returning, kill one or two of the king's deer without warrant, in view of the forester if he be present, or on blowing a horn if he be absent, that he may not seem to take the king's venison by stealth. Whatever value

this privilege may have had heretofore, it is now of very doubtful importance.

In the next place, they have a right to be attended, and constantly are, by the judges of the court of King's Bench, and Common Pleas, and such of the barons of the exchequer as are of the degree of the coif, or have been made sergeants at law, as likewise by the king's learned counsel being sergeants, and by the masters of the Court of Chancery; for their advice in point of law, and for the greater dignity of their proceedings. The secretaries of state, with the attorney and solicitor-general, were also used to attend the House of Peers, and have to this day (together with the judges, &c.) their regular writs of summons issued out at the beginning of every parliament to give advice; but, whenever of late years, they have been members of the House of Commons, their attendance here hath fallen into disuse.

Another privilege is, that every peer, by license obtained from the king, may make another lord of parliament his proxy, to vote for him in his absence,—a privilege, which a member of the other house, can by no means have, as he is himself but a proxy for a multitude of other people.

Each peer has also a right, by leave of the house, when a vote passes contrary to his sentiments, to enter his dissent on the journals of the house, with the reasons for such dissent, which is usually styled his protest.

All bills likewise, that may in any way affect the rights of the peerage, are by the custom of parliament to have their first rise and beginning in the House of Peers, and to suffer no changes or amendments in the House of Commons.

There is also one statute peculiarly relative to the House of Lords; 6 Anne, chap. 23, which regulates the election of the sixteen representative peers of North Britain, in consequence of the twenty-second and twenty-third articles of the union, and for that purpose prescribes that the oaths &c. to be taken by the electors, directs the mode of balloting, prohibits the peers electing from being attended in an unusual manner, and expressly provides, that no other matter shall be treated of in that assembly, save only the election, on pain of incurring a *præmunire*.

V. The peculiar laws and customs of the House of Commons, relate principally to the rising of taxes, and the election of members to serve in parliament.

First, with regard to taxes, it is the ancient indisputable privilege and right of the House of Commons, that all grants of subsidies or parliamentary aids do begin in their house, and are first

bestowed by them ; although their grants are not effectual to all intents and purposes, until they have the assent of the other two branches of the legislature. The general reason given for this exclusive privilege of the House of Commons, is, that the supplies are raised upon the body of the people, and therefore, it is proper that they alone should have the right of taxing themselves. This reason would be unanswerable, if the Commons taxed none but themselves, but it is notorious, that a very large share of property is in the possession of the House of Lords ; that this property is equally taxable, and taxed, as the property of the Commons ; and therefore, the Commons, not being the *sole* persons taxed, this cannot be the reason of their having the *sole* right of raising and modelling the supply. The true reason arising from the spirit of the constitution, seems to be this : The Lords being a permanent hereditary body, created at pleasure by the king, are supposed more liable to be influenced by the crown, and, when once influenced, to continue so, than the Commons who are a temporary elective body, freely nominated by such of the people as by law, are entrusted with the elective franchise. It would therefore, be extremely dangerous to give the Lords any power of framing new taxes, for the subjects, it is sufficient that they have the power of rejecting, if they think the Commons too lavish or improvident in their grants ; but so reasonably jealous are the Commons of this valuable privilege, that they will not suffer the other house to exert any power but that of rejecting ; they will not permit the least alteration or amendment to be made by the Lords, to the mode of taxing the people by a money bill, under which appellations are included all bills, by which money is directed to be raised upon the subject, for any purpose, or in any shape whatever, either for the exigences of government, and collected from the kingdom in general, as the land tax, or for private benefit, and collected in any particular district, as by turnpikes, parish-rates, and the like.

Next, with regard to the election of knights, citizens and burgesses ; we may observe, that herein consists the exercise of the democratical part of our constitution ; for in a democracy there can be no exercise of sovereignty, but by suffrage, which is the declaration of the people's will. In all democracies therefore, it is of the utmost importance to regulate by whom, and in what the suffrages are to be given. In England where the people do not debate in a collective body, but by representation, the exercise of this sovereignty consists in the choice of representatives. The laws have therefore guarded against usurpation or abuse of this power by many provisions ; which may be reduced to these three points.

1st. The qualifications of the electors ; 2nd. the qualifications of the elected ; 3rd. the proceedings at elections.

1st. As to the qualifications of the electors. The reason assigned for requiring any qualification with regard to property, in voters, is to exclude such persons as are in so mean a situation that they are esteemed to have no will of their own. It is presumed, that if these persons had votes, they would be tempted to dispose of them under some undue influence, and so give a great, an artful, or a wealthy man, a larger share in elections than is consistent with general liberty. If it were probable that every man would give his vote freely and without influence of any kind, then, upon the true theory and genuine principles of liberty, every member of the community however poor, should have a vote in electing those delegates, to whose charge is committed the disposal of his property, his liberty, and his life.

But to return to our qualifications, and first, those of electors for knights of the shire. 1st. By statute 8, Henry VI., chap. 7 and 10, Henry VI. chap. 2, (amended by 14 Geo. III., chap. 58,) the knights of the shire shall be chosen of people, whereof every man shall have freehold to the value of forty shillings by the year within the county, which (by subsequent statutes) is to be clear of all charges and deductions, except parliamentary and parochial taxes. The knights of shires are the representatives of the landholders, or landed interest of the kingdom, their electors must therefore, have estates in lands or tenements, within the county represented ; these estates (until lately) must be freehold, that is for term of life at least, because beneficial leases for long terms of years were not in use at the making of these statutes, and copyholders were then little better than villians, absolutely dependant upon their lords, this freehold must be of forty shillings annual value, because that sum would then, by proper industry, furnish all the necessaries of life, and render the freeholder, if he pleased, an independant man. But now by the statute 2, William IV., chap. 45, intituled, "An act to amend the representation of the people in England and Wales," commonly called, the "Reform Act;" it is enacted with regard to the election of knights of the shire, that no person shall be entitled to vote for a county member in future, in respect of any freehold, except he shall be in the actual *bona-fide* occupation of such lands or tenements, or except they shall have come to him by marriage, marriage settlement, devise, or promotion to any benefice or office, or unless the same shall be to him of the clear yearly value of not less than £10, above all rents and charges payable out of or in respect of the same, and it was provided that no person enjoying the right of

voting for a knight of the shire or capable of acquiring it, but for that act, in virtue of a freehold of the clear value to him of forty shillings above all rents and charges, should be deprived of the said right so long as he should be seized of the same freehold lands and tenements, if duly registered according to the provisions hereinafter contained.

Copyholders and leaseholders of certain value are by the same statute enabled to vote for county members, thus it is enacted, that every male person of full age, and not subject to any legal incapacity, who shall be seized at law or in equity of any lands or tenements of copyhold or customary tenure for his own life, &c. or of the clear yearly value to him of £10. over and above all rents and payable out of, or in respect of the same, shall be entitled to vote in the election of a knight or knights of the shire, to serve in any future parliament for the county, riding, division, or &c. in which such lands or tenements shall be situate, and that every male person of full age, and not subject to any legal incapacity, who shall hold as lessee or assignee, any lands or tenements, whether copyhold, freehold or any other tenure, originally created for any term not less than sixty years, (whether determinable on a life or lives or not) of the clear yearly value to him of not less than £10. over and above all rents and charges, and payable out of, or in respect of the same, or originally created for any term not less than twenty years, (whether determinable on a life or lives or not,) of the clear yearly value to him of not less than £50. over and above all rents &c., or who shall occupy as tenant, any lands or tenements, for which he shall be *bona-fide* liable to a yearly rent of not less than £50 shall be entitled to vote in the election for the county, or &c., in which such lands or tenements shall be respectively situate, provided always that no person being a sub-lessee or the assignee of any under lease shall have a right to vote in such election, in respect of any such terms as aforesaid, unless he shall be in the actual occupation of the premises.

And as to all it is declared, that no public or parliamentary tax, or any church, county, or parochial rate, should be deemed to be any charge, payable out of or in respect of any lands or tenements. The other qualifications of the electors for counties in England and Wales are principally as follows: no person under twenty-one years of age is capable of voting for any member; this extends to all sorts of members, as well for boroughs as counties; as does also the next, viz. no person convicted of perjury is capable of voting in any election; no person can vote in right of any freehold granted to him fraudulently to qualify him to vote. Fraudulent grants are such as contain an agreement to re-convey or

to defeat the estate granted, which agreements are void, and the estate is absolutely vested in the person to whom it is so granted. That no person shall vote in respect of an annuity, or rentcharge, unless registered with the clerk of the peace twelve calendar months before; that in mortgaged, or trust estates, the mortgager or person in whose favour the trust is, he being in possession, shall have the vote; that only one person shall be admitted to vote for any one house, or tenement, to prevent the splitting of freeholds. That no estate shall qualify a voter, unless the estate has been assessed to some land-tax aid, at least twelve months before the election, thus much for the electors in counties.

As for the electors of citizens and burgesses, these are supposed to be the merchantile part or trading interest of this kingdom; but as trade is of a fluctuating nature, and seldom long fixed in a place, it was formerly left to the crown to summon *pro re nata*, the most flourishing towns to send representatives to parliament. So that as towns increased in trade, and grew populous they were admitted to a share in the legislature; but, the misfortune was, that the deserted boroughs continued to be summoned, as well as those to whom their trade and inhabitants were transferred, except a few which petitioned to be eased of the expense, then usual of maintaining their members, four shillings a day being allowed for a knight of shire, and two shillings for a citizen or burgess, which was the rate of wages established in the reign of Edward III. Hence the members for boroughs until now bore above a quadruple proportion to those for counties. The universities were in general not empowered to send burgesses to parliament, though once in 28 Edward I. when a parliament was summoned to consider of the king's right to Scotland, there were issued writs, which required the University of Oxford to send four or five, and that of Cambridge, two or three of their most discreet and learned lawyers for that purpose. But it was king James I. that indulged them with the permanent privilege to send constantly two of their own body, to serve for those students who, though useful members of the community, were neither concerned in the landed nor the trading interest, and to protect in the legislature the rights of the republic of letters.

The right of election in boroughs by the Reform Act is, that in every city or borough, which shall return a member or members to serve in any future parliament, every male person of full age, and not subject to any legal incapacity, who shall occupy within such city or borough, or within any place sharing in the election for such city or borough, as owner or tenant of any house, warehouse, countinghouse, shop, or other building, being either separ-

ately or jointly with any land within the city, borough, or place, occupied therewith by him as owner, or as tenant, under the same landlord, of the clear yearly rent of not less than £10. shall, if duly registered, be entitled to vote in the election of a member for such city or borough, provided always that no such person shall be so registered unless he shall have occupied such premises as aforesaid, for twelve calendar months next previous to the last day of July in each year, nor unless such person, where such premises are situate in any parish or township in which there shall be a rate for the relief of the poor, shall have been rated in respect of such premises to all rates for the relief of the poor, made during the time of such his occupation as aforesaid, nor unless such person shall have paid on or before the 20th of July, in such year all the poor's rates and assessed taxes, which shall have become payable from him in respect of such premises, previously to the 6th of April, then next preceding, provided also that no person shall be so registered unless he shall have resided for six calendar months next previous to the last day of July in such year, within the city or borough, or within seven statute miles thereof.

2. Next as to the qualifications of persons to be elected members for the House of Commons; some of these depend upon the law and custom of parliament, declared by the House of Commons; others upon certain statutes. And from these it appears, 1st that they must not be aliens born, or minors. 2nd, that they must not be any of the twelve judges, because they sit in the Lords' house; nor of the clergy, for they sit in the convocation; nor persons attained of treason or felony. 3rd, that sheriffs of counties and mayors, and bailiffs of boroughs, are not eligible in their respective jurisdictions, as being returning officers but that sheriffs of one county are eligible to be knights of another. 4th, that, in strictness, all members ought to have been inhabitants of the place for which they are chosen, but this, having been long disregarded, was at length entirely repealed by statute 14 George III. c. 58. 5th, that no persons concerned in the management of any duties or taxes created since 1692, except the commissioners of the treasury, nor any of the officers following, viz. commissioners of prizes, transports, sick and wounded, wine licenses, navy and victualling, secretaries, or receivers of prizes, comptrollers of the army accounts, agents for regiments, governors of plantations, and their deputies, officers of Minorca and Gibraltar, officers of excise and customs, clerks or deputies in the several offices of the treasury, exchequer, navy, victualling, admiralty, pay of the army or navy, secretaries of state, salt, stamps, appeals, wine licenses, hackney coaches, hawkers, and pedlers, nor any persons that hold

any new office under the crown, created since 1705, are capable of being elected, or sitting as members. 6th, that no person having a pension under the crown during pleasure, or for any term of years, is capable of being elected or sitting. 7th, that if any member accept an office under the crown, except an officer in the army or navy, accepting a new commission, his seat is void; but such member is capable of being re-elected. 8th, that all knights of the shire shall be actual knights, or such notable esquires and gentlemen as have estates sufficient to be knights, and by no means of the degree of yeomen. This is reduced to a still greater certainty, by ordalning 9th, that every knight of a shire shall have a clear estate of freehold or copyhold; to the value six hundred pounds per annum, and every citizen and burgess to the value of three hundred pounds, except the eldest sons of peers, and of persons qualified to be knights of shires. and except the members for the two universities; and of this qualification the member must make oath and give in the particulars in writing at the time of his taking his seat, and by statute 22, Geo. III., chap. 45, every person who shall directly or indirectly, by himself or by any other to his use, hold any contract made with the commissioners of the treasury, navy, or victualling office, or the master general, or board of ordnance, or any other person, for, or on account of the public service; or shall, in pursuance of any such contract, furnish any money to be remitted abroad, or any wares or merchandize to be used in the service of the public, shall be incapable of being elected, or sitting or voting in the House of Commons during the time he shall hold such contract.

3. The third point, regarding elections, is the method of proceeding therein. This is also regulated by the law of parliament, and a variety of statutes, out of which a very short summary is here presented.

As soon as the parliament is summoned, the lord chancellor (or if a vacancy happens during the sitting of parliament, the speaker by order of the house, and without such order, if a vacancy happens by death, or by the member becoming a peer, in the time of a recess for upwards of twenty days) sends his warrant to the clerk of the crown in chancery, who thereupon issues out writs to the sheriff of every county, for the election of all the members to serve for that county, and every city and borough therein. Within three days after the receipt of this writ, the sheriff is to send his precept under his seal, to the proper returning officers of the cities and boroughs, commanding them to elect their members; and the said returning officers are to proceed to election within eight days from the receipt of the precept, giving



four days notice of the same, and to return the persons chosen, together with the precept to the sheriff.

But elections of knights of the shire, and members for whole counties or divisions of counties, must be proceeded to by the sheriffs themselves in person, at the next county court that shall happen after the delivery of the writ. The county court is a court held every month, or oftener by the sheriff, intended to try little causes not exceeding the value of forty shillings, in what part of the county he pleases to appoint for that purpose; but for the election of knights of the shire, it must be held at the most usual place. If the county court falls upon the day of delivering the writ, or within six days after, the sheriff may adjourn the court and election to some other convenient time, not longer than sixteen days nor shorter than ten; but he cannot alter the place without the consent of all the candidates, and in all such cases, ten days public notice must be given of the time and place of the election.

And as it is essential to the very being of parliament that elections should be absolutely free; therefore all undue influences upon electors are illegal, and strongly prohibited; for Mr. Locke ranks it among those breaches of trust in the executive magistrate, which, according to his notions, amount to a dissolution of the government. "If he employs the force, treasure, and offices of the society to corrupt the representatives, or openly to pre-engage the electors, and prescribe what manner of persons shall be chosen. For thus to regulate candidates and electors, and new model the ways of election, what is that," says he, "but to cut up the government by the roots, and poison the very foundation of public security?" As soon, therefore, as the time and place of election either in counties, cities, or boroughs are fixed, all soldiers quartered in the place, are to remove, at least one day before the election, to the distance of two miles or more, and not to return till one day after the poll is ended; riots likewise have been frequently determined to make an election void. By vote also of the House of Commons, to whom alone belongs the power of determining contested elections, no lord of parliament, or lord lieutenant of a county, hath any right to interfere in the election of commoners; and by statute, the lord warden of the cinque ports, shall not recommend any members there. If any officer of the excise, customs, stamps, or certain other branches of the revenue, presume to meddle in elections, by persuading any voter, or dissuading him, he forfeits £100, and is disabled to hold any office.

VI. We proceed now sixthly, to the method of making laws, which is much the same in both houses, and we shall touch it

very briefly, beginning in the House of Commons. But first let us premise, that for dispatch of business, each house of parliament has its speaker. The speaker of the House of Lords, whose office it is to preside there, and manage the formality of business, is the lord chancellor, or keeper of the king's great seal, or any other appointed by the king's commission, and if none be so appointed, the House of Lords (it is said) may elect. The speaker of the House of Commons is chosen by the house, but must be approved by the king. And herein the usages of the two houses differ, that the speaker of the House of Commons cannot give his opinion, or argue any question in the house; but the speaker of the House of Lords, if a lord of parliament, may. In each house the act of the majority binds the whole, and this majority is declared by votes openly and publicly given. The reason for this publicity is, that every member's conduct may be subject to the future censure or approbation of his constituents.

The royal assent may be given two ways.—1st, in person; when the king comes to the House of Peers, in his crown and royal robes, and sending for the Commons to the bar, the titles of all the bills that have passed both houses are read, and the king's answer is declared by the clerk of the parliament, in Norman French; a badge, it must be owned (now the only one remaining) of conquest, and which one could wish to see fall into total oblivion, unless it be reserved as a solemn memento to remind us that our liberties are mortal, having once been destroyed by a foreign force. If the king consents to a public bill, the clerk usually declares "*Le roy le veut*"—the king wills it so to be; if to a private bill, "*Soit fait comme il est desirè*"—be it as is desired. If the king refuses his assent, it is in the gentle language of "*Le roy s'avisera*"—the king will advise upon it. When a bill of supply is passed, it is carried up, and presented to the king by the speaker of the House of Commons; and the royal assent is thus expressed, "*Le roy remercie ses loyal subjects, accepte leur benevolence et aussi le veut*"—the king thanks his loyal subjects, accepts their benevolence, and wills it so to be.

VII. Parliament may adjourn for a fortnight, or a month together, but prorogation puts an end to the session; a dissolution is the civil death of the parliament, which may be effected in three ways. 1st, the will of the king; 2nd, by the demise of the crown; and 3d, by length of time. The utmost extent of time that the parliament was allowed to sit, by the statute 6 W. and M. c. 2. was three years; but by the statute 1 Geo. I. 2. c. 38, the term was prolonged to seven years, and the very same house that was chosen for three years sat seven.

## CHAPTER XI.

The first of the fairs referred to in the Charter of Edward I. p. 249, as being granted to Nottingham 1284, is the celebrated "Goose Fair," held on the 2nd of October, which answers to the same day on which the feast of St. Matthew, O. S. was celebrated. From hence it will be seen, that this year will be the 555th anniversary of Goose Fair, the largest fair in the year.

The other fair appointed to be held on the vigil of the day and the morrow of the feast of St. Edmund, the king and martyr, and the following days, commenced Dec. 1st, O. S., now Nov. 20th, continued for fifteen days, and was the second annual fair in point of magnitude; but by charter of the first of Richard the Second, 1378, the time of holding this fair was changed, and the vigil of St. Matthias, March 7th, is the day on which it is now held, being the vigil of St. Matthias, O. S.; it is generally known as the *March Fair*.

The St. Mark Fair, held in May, is of more modern grant, probably not older than the time of Charles the Second, but the charter by which it was conferred has not yet been laid before the public; it is known as the *May Fair*.

Queen Anne, in 1712, granted two new fairs, one to begin on the Thursday next before Easter Sunday, and to be held during the eight following days; this is usually called the *Maundy Fair*. The other to begin the Friday next before the first Tuesday after the feast of the Epiphany, to be held during the eight following days; this is usually called the *Plough-day Fair*. 1300, July 12th, having defeated the Scotch in several engagements, Edward I. caused the celebrated stone, called the *Fatal Stone*, or stone of *Destiny*, on which the Scotch Kings had been crowned for many centuries, to be removed from the Abbey of Scone, to Westminster Abbey, on which the English sovereigns have ever since been crowned. (See page 44.)

Edward I. died of a flux at Burgh upon the Sands in Cumberland, July 7, 1307, and was buried in Westminster, when he was succeeded by his fourth son, Edward II., whose queen Isabella and her paramour Mortimer form so conspicuous figures in the history of Nottingham.

1307. John Segrave, was appointed justice in Eyre of all his majesty's forests north of Trent, and also governor of Nottingham Castle; he was afterward created warden of all Scotland. As Scotland was soon after lost to England, having regained its

wonted independence through those immortal chieftains, Wallace and Bruce, this latter office could have been little more than nominal, and of short duration, as was also his government of our castle; for in 1311, Peirce Gaveston, of Gascony, who stood high in the esteem of the amiable but unfortunate sovereign, was, amongst other honours to which he was advanced, created earl of Cornwall and constable of Nottingham castle. Perhaps the conduct of this nobleman, when impartially considered, had its excellencies as well as imperfections. But it was quite sufficient of fault to work a man's ruin in those days if he were even suspected of being in favour of Edward II., that most kind hearted and affectionate king. Though Gaveston had married the earl of Gloucester's sister, and neice to the king, all his honours and wealth failed to procure him peace or safety; he died a violent death, at the hands of the tyranical barons, by whom, (after he had enjoyed his honours only one short year), near Warwick, in utter disregard of his capitulation, he was beheaded on Blacklow-hill, June 19th, 1312.

Two years after this, Edward 1314, Baron Segrave was again in the wars of Scotland, and taken prisoner by the gallant Bruce, at the battle of Bannock-bourn, but was ransomed from his captivity in 1325. He fell under the displeasure of the king because he allowed to escape from the tower, Roger Lord Mortimer, and being sent on an expedition into Gascoygne in company with Edward, earl of Kent, died of an infectious disorder, soon after his arrival there, and was succeeded by Robert de Clifford, who was one of the peers in the parliament of Lincoln, 22nd Edward II., who subscribed a letter to the Pope, which contained a declaration of the right of King Edward II. to the superiority and dominion of the realm of Scotland, against which country he valiantly served that king, who made him justice of all the forests north of the Trent, and governor of Nottingham castle.

To him succeded Peirce Gaveston, that unfortunate nobleman of whom we have previously spoken, who after a mock trial was murdered, 19th June, in the presence, and at the instigation of the earls Warwick, Hereford and Lancaster.

Richard de Grey of Codnor castle in Derbyshire, was promoted to be the governor of the royal castle of Nottingham, 1326. This nobleman was a member of the elder branch of the Grey family, dukes of Kent, and appears to be one of the very few barons who were faithful to their kind and tender hearted king, by whom he was sent, 1311, into Scotland, and two years after he was appointed seneschal of Gascoygne; in 1315, having returned to England, he obtained the wardship of Ralph, son and heir of Richard Basset, for which he gave £800, and received command at the same time

to advance with horse and arms to Newcastle upon Tyne, and certain parts of the marshes of Scotland, for the king's service. In 1319 and 20 he was again in the wars of Scotland, and four years after he was constituted steward of the duchy of Aquitaine, to which place he was sent the ensuing year with his brother Nicholas and many other barons and knights, to regain possession for the king, if the king of France refused to do homage to Edward for the duchy; the same baron de Grey was governor of the castle when Edward was shamefully deposed by his unfaithful queen, and at the time of his barbarous murder, when his bowels were burnt out with a hot iron, by order of his queen, now regent, while he was detained an innocent prisoner in Berkley castle. Lord Grey, however, still retained the governorship of the castle all the time of the regency of queen Isabella, who chiefly resided here, and also when young Edward III. surprised his mother and Mortimer her paramour, Sir William Eland of Basford, being at that time his deputy constable; nor was this nobleman, removed from this honourable office, but retained it after the accession of king Edward III., by whom he was sent, 1327, with troops to guard the marshes of Scotland. He died in the service of his king, 1336, full of days and honours, having been governor of Nottingham castle ten years.

As Edward II., by granting a charter, was a benefactor to Nottingham, gratitude demands at least a passing observation on his character; than whom it is not easy to conceive of any man more innocent and inoffensive. Little does it become the historian to lay the blame of the public disorders of his reign to one so confessedly removed from every vice, and, unbidden, charge and endeavour to fasten on what is misnamed his imbecility, the guilt of the crimes which alone owed their being to the sedition and rapacity of the barons. It is a shameful delusion in some modern historians, to imagine that princes who were unfortunate in their government were also tyrannical in their conduct, and that the seditions of the barons always proceeded from some invasions of their rights or privileges by the monarch. Did ever the forked and envenomed tongue of slander itself, pretend that Edward III. at any time attempted to invade one privilege, much less a right of barons or people; or that when any additional concession was asked of this sovereign, like John or Henry III. he sought how he might resume what he had conceded? Call this weakness, when a sovereign exerts his power, his utmost power, even going beyond his power, to make his people happy? Call it goodness, call it true nobility, and wherever found, must exalt the humblest character; but when, as here, such heavenly principles sway the heart,

and form the character of a king, they spread a charming beauty on the brow of royalty, inferior only to divine.

But yet Edward, by the hand of violence, died a lingering and excruciating death. Ah! a great and good king was by no means secure from the factions of the castle-dwelling barons, who almost did as they list with the people, and the king must in those days either be a tyrant or a slave.

The charter given by Edward II. to Nottingham, is dated from Westminster, 16th March, 7th of his reign.

“Edward, by the grace of God, king of England, lord of Ireland, and duke of Aquitaine, to all archbishops, bishops, abbots, priors, earls, barons, justices, sheriffs, reeves, officers, and all bailiffs, and faithful subjects, greeting.”

After recapitulating the substance of the former charters, proceeds :—

“And we, being well pleased with the aforesaid grants, confirmations, and restitutions aforesaid, do grant and confirm the same to the burgesses, their heirs and successors, burgesses of the said town, as the charters aforesaid reasonably make appear. And furthermore, we have granted to them, for ourself and our heirs, that notwithstanding they or their predecessors, burgesses of the said town, may not hitherto have used any or either of the aforesaid privileges, nevertheless that they, their heirs and successors, may fully use and enjoy the said privileges, or either of them, without let or hindrance of us, our heirs, justices, escheators, bailiffs, or other our ministers whatsoever.—And being moreover desirous to confer a still greater favour upon the said burgesses, we have, for ourself and our heirs, granted to them, for the bettering the state of our said town of Nottingham, for the ease of our said burgesses, and that they may be enabled the more readily to manage the affairs of trade, that none of them, the said burgesses, shall implead or be impleaded, before us or our heirs, out of the said borough, of lands or tenements which are within the same, or of trespasses, contracts, or of other things whatsoever, done or arising within the said borough; but that all pleas of suit that shall happen to be summoned before us, our heirs, justices of bench, or others, out of the town aforesaid, shall be pleaded and determined before the mayor and bailiffs of the said borough, for the time being, within the said borough, unless such pleas shall concern us, our heirs, or the community of the said borough. And furthermore that they, the said burgesses be not put with men not of the said borough in any assizes, juries, or inquests that shall happen to be made before the justices or other officers of us, or our heirs, on account of lands, tenements, trespasses,

contracts, or any other matters whatsoever, not arising within the same. And that men out of the said borough be not put with the burgesses in any assizes, juries, or inquests, by reason of lands, tenements, trespasses, contracts, or any other matters whatsoever arising within the same; but that such assizes, juries, and inquests shall be made by the burgesses of the said borough only, unless the matter in issue concern us, our heirs, or the commonalty of the said borough. And furthermore, whereas notwithstanding our said burgesses, by virtue of the charters aforesaid, have the return of our writs and summonses of our exchequer, in all matters pertaining to the said borough, some of our officers, and those of our predecessors have entered the same, and made distresses and attachments which ought to have been made by the bailiffs of the said borough: *Now* we have granted for ourself and our heirs that no sheriff, bailiff, or other officer whatsoever of us or our heirs, shall enter into the said borough to make summonses, attachments, distresses, or do any other duties therein, unless in default of the bailiffs of the said borough for the time being.—We also grant, for ourself and our heirs, to the said burgesses, their heirs and successors, that they be for ever quit of *murage*, *stallage*, *tarrage*, *kaiage*, and *passage*, throughout all our dominions.

“ *Witness,*

W. CANTERBURY,  
W. COVENTRY and LICHFIELD,  
ADAM DE VALENCIA, Earl of Pembroke,  
HUMPHREY DE BOHUN, Earl of Hereford and Essex,  
HUGO DISPENSER,  
WILLIAM DE LATYMER,  
THEOBALD DE VERDON,  
EDMUND DE MALO LACU, Steward of our Household, and Others.

“ Given under our hand at Westminster, the sixteenth day of March, in the seventh year of our reign.

Every word of this charter breathes a spirit of kindness and philanthropy.

1st. It provides against the forfeiture of any privileges granted in any former charter by disuse.

2nd. That no burgess shall implead or be impleaded for suit, or misdemeanor, by any of them at any time committed, in any court out of their own borough, but that all pleas at suits, that shall happen to be summoned before any of his majesty's justices

of the bench, or others out of the town aforesaid, shall be pleaded before the mayor and bailiffs of the borough for the time being within the said borough.

3rd. That no man, not a resident burgess, should be allowed to sit on juries and at any inquest or assize that might be instituted before the justices of the borough, except in especial cases.

4th. Neither should any burgess be compelled to serve on any juries of inquest or assize out of the said borough.

5th. All interference of county bailiffs or other officers not resident burgesses is peremptorily forbidden to enter and execute any writs, and summonses of Exchequer, attachments or distresses, which in some instances had been done despite the charter of Henry III.

6th. Exemption from *murage* (a national toll imposed for erecting and keeping fortifications and bridges in repair.) *Stallage*—The burgesses of Nottingham might erect a stall in the market, without being subject to a payment for the exposing of their goods to sale. *Tarrage*—Exemption from paying toll for the exportation or importation of any goods or merchandise of the public functionaries. *Kiage*—Exemption from certain dues, usually paid by other English subjects, on landing any goods, or manufactures, at any of his majesty's wharfs or quays. *Passage*—Freedom from toll when bringing or exposing goods for sale in this market, or any other in his majesty's dominion, which was paid by all other subjects not exempted by charter.

After the death of Edward II., his son, Edward III., was proclaimed king, 1327, but did not ascend the throne, at that age a regency being appointed, of which queen Isabella was the head. This was a year long to be remembered in Nottingham and the whole kingdom : a succession of cold rainy harvests had engendered one of the most grievous famines in the land of which we have any record. Every article of food rose to a most enormous price. Parliament endeavoured to fix one more moderate at which it should be sold, but it was soon found impracticable to legislate on such a subject; nothing could reduce the price of provisions but introducing plenty, and this could not be done. There was not more than nine months' provision; many poor people died of want.

Three years before the death of Edward II., queen Isabella, daughter of Philip IV. king of France, obtained permission to visit Paris, and endeavour to adjust in an amicable manner a difference that had arisen between the two monarchs of France and England concerning Guienne. On arriving there the queen found many of the English barons and fugitives, among the rest, young Roger Mortimer, a potent baron in the marshes of Wales, who had been



obliged to make his submission to the king; he had been condemned for high treason, but received a pardon of his life, was afterwards detained in the Tower, with an intention of rendering his confinement perpetual, but made his escape, and fled to France, and was one of the most considerable persons there of his party. At the time queen Isabella arrived, Mortimer was young, of a fine, tall, majestic figure, and very handsome; Isabella made him her confidant, adviser, counsellor, and then paramour. She now hated her husband, whom she had dishonoured, and having got the young prince Edward in her hands, resolved upon the destruction of her lawful spouse. Her court was filled with exiled barons, and Mortimer lived in the most declared intimacy with the queen; when she returned to England it was more in the character of a rival of the king, than of his consort queen, having enlisted in her service 3000 men. Nor was it long ere one of the most unnatural wars commenced that ever was recorded on the pages of history.

1327. 13th January, a parliament was summoned in the king's name by the queen, and a charge was drawn up against the king, in which, though even his inveterate enemies framed it, nothing but his narrow genius or misfortune was objected to; for the greatest malice found no particular crime with which it could reproach the unhappy prince; still he was deposed by his own wife, assisted by those very barons, such as Mortimer, who owed their forfeited life to the king's clemency, by them he was seized, and it was but a short step between the dungeon and his grave.

20th January a council of regency was appointed by parliament composed of the archbishops of Canterbury and York, bishops of Winchester, Worcester, and Hereford, and seven lay peers, earls Norfolk, Kent, and Surrey, and the lords Wake, Ingham, Percy, and Ross.

The earl of Lancaster was appointed guardian and protector of the king's person; Mortimer had taken no care to ensure a place in the council, but this semblance of moderation was only a cover to his projects, for he negatived the powers of the council, and rendered it useless by usurping to himself the whole sovereign authority; he settled on Isabella, the queen dowager, the greater part of the royal revenues without consulting any one, and the queen regent created baron Mortimer, earl of March.

The chosen place of the queen's residence for the next three years, was principally the royal castle of Nottingham. Mortimer, who possessed some rare qualities, sensible of the danger to which his elevation exposed him, wisely endeavoured to secure peace abroad on the best terms he could, and for this purpose entered into a negotiation with Robert Bruce; and for the purpose

of 30,000 marks, Scotland was once more erected into an independent kingdom. The earls of Norfolk, Kent, and Lancaster, princes of the blood, despised Mortimer, of which he was aware, and summoned them to parliament unarmed, which they obeyed, but himself, on the contrary, was attended by his followers in arms. The three earls retreated, and mustered their forces to take vengeance on Mortimer: Kent and Norfolk deserted the common cause; Lancaster made submission to the earl of March. 1329. The second year of his authority, his fears gained the ascendancy; perceiving the strength of the opposition with which he had to contend, he determined to have a victim, and such an one as should strike terror in the ranks of his opponents, and for this purpose fixed upon the earl of Kent.

The snare was spread by Mortimer for him, which was first to persuade him that his brother, Edward II., was still alive, detained in some secret prison in England; then to enter into a plan for his release, and afterwards restore him to the throne. When this harmless contrivance had been allowed to proceed to a certain length, Mortimer seized the earl of Kent, whom he brought before parliament, and there accused him of high treason, for conspiring to dethrone the rightful sovereign Edward III.; he was by the barons condemned to lose his fortune and his life, and beheaded the next day, 9th March, 1329. The earl of Lancaster was thrown into prison for having assented to the conspiracy of the earl of Kent. Thus Mortimer played the tyrant as he was instructed by the queen, but was ruined by those very means by which he sought to establish his authority and enrich himself.

1330. Being now in his eighteenth year, young Edward sighed to be free from the trammels that crime, insolence, and usurpation, had imposed. But so much was he surrounded with the spies of Mortimer, that it behoved to conduct the subverting him with the same secrecy as if it had been against a lawful sovereign. The queen and Mortimer were then holding their court in the castle of Nottingham. Having communicated his views to lord Montacute, afterwards earl of Salisbury, he engaged lords Molins and Clifford, sirs John Nevill of Hornby, Edward Bohun, Ufford, and others, to enter into his views; the scene of enterprize was the castle of Nottingham.

To prevent any suspicion, Edward and his party assembled privately at Algarthorpe (BASFORD), an ancient village about three miles and a-half N.W. of Nottingham, at the manorial residence of the Elands, one of whom, Sir William, as we have seen, was at the time deputy-constable of the castle of Nottingham. From a

conversation Edward's party<sup>(a)</sup> had with him (page 149), it is very evident that he was no abetter of the profligacy of queen Isabella and Mortimer. Neither were they insensible to their waning popularity and power, which is evident from the fact that they both kept within the fortress, having got with them a strong guard of soldiers, in which were included amongst others 180 knights, the queen not only taking care that the gates of the castle were locked, but every night had the keys brought, and slept with them under her pillow. All the arrangements having been completed, the king issued his warrant for the apprehension of the earl of March; but strong and well guarded as the castle was, how could it be taken with such a handful of men? the queen also having the keys in her own possession. Sir William Eland's loyal attachment was in this respect unavailing, not having the means of delivering up the castle if he would. But he informed the king's party that he knew of a subterraneous passage, by which Edward might march with his followers, of which neither the queen nor Mortimer knew, offering at the same time to be their guide, and so bring them into the castle unperceived of the sentinels on guard.

It was in the autumn, about Michaelmas, 1330, on the night after the feast of St. Luke, that moving from Eland Hall, Edward and his party, conducted by Sir William Eland, passed through the underground avenue, whose secret outlet from the castle may be seen in Brewhouse-yard to this day, and to the astonishment of Mortimer, suddenly entered the chamber adjoining the queen's apartment, where he was in close consultation with the bishop of Lincoln and others of his party. The trembling earl Mortimer was seized; Sir Hugh Turplinton and Sir John Monmouth, the two state guards, drew their swords and made a stout resistance, but they were overpowered by numbers and slain. The queen was soon made acquainted with what had happened, and rushing into the midst of the armed band, intreated for the life of Mortimer with

(a) Eland Hall is now generally admitted to have been the place in which Edward III. secretly met a small party of his friends, and concocted means of surprising and taking Mortimer. Stow, being a stranger in the neighbourhood, calls the place Nottingham. But it is not very likely that he would come into the town in the face of the earl, and in the midst of his friends (for Mortimer was very popular among the common people), to surprise him. But he might meet unobserved in the village of Basford, and there is a tradition still that Edward marched with his men from Basford to the castle, led by Sir William Eland, in the dead of the night, and this accounts for the king's presence having been unknown by the inhabitants of the town, and also the guard of the castle, till after Mortimer was taken. This family had their chief residence in Algarthorpe, who gave it the name of Eland Hall, called the manor of Algarthorpe (in the parish of Basford); the quantity of tilled land in this manor is estimated at 200 acres, called *corner wong*, which, in the time of Richard I., became the property of Thomas Mapurley, Esq., from whom it was afterwards called Mapurley's Closes; and here was the site of Eland Hall.

tears. "Fair son, fair son, have pity on the gentle Mortimer. Now fair sirs, I pray you do no harm to the gentle Mortimer, for he is a worthy knight, our well-beloved friend and cousin." But it was the hour of retributive judgment, all entreaties were in vain of this very beautiful, but licentious queen; Mortimer was torn away speechless from her presence, and hurried down the same cavern through which they ascended, since called Mortimer's Hole. With so much secrecy and dispatch was this work of justice executed, that the guards on the ramparts of the castle were not aware of what had happened, nor did the inhabitants know anything of the affair till Mortimer was many miles distant from the scene of his infamy, on the following day, when the unfortunate sons of the fallen Mortimer, and several of his adherents, were arrested.

All the state prisoners were committed to the Tower of London.

Edward repaired to Leicester, from whence he issued warrants for the assembling a new parliament at Westminster, for the hearing and adjudicating on charges to be preferred against the late administration, and redressing the grievances by which the kingdom had been oppressed. Mortimer was summarily impeached, and convicted of high treason and regicide, under the following charges:—

1st. That he had procured Edward of Canaruan, the king's father, to be murdered in a most heinous and tyrannous manner, within the castle of Berkley.

2d. The Scots at Stanhope park had through his means escaped.

3rd. He had received at the hands of the lord James Douglas, at that time general of the Scots, great sums of money to execute that treason, and further, to conclude the peace upon such dishonourable terms.

4th. He had got into his hands a great part of the king's treasure, and had wasted and consumed it.

5th. He had appropriated to himself divers wards that belonged to the king, and had been more privy with queen Isabella, the king's mother, than stood either with God's law or the king's pleasure.

These articles were presumed to have been proved against him; all the lords gave judgment that he deserved to die the same death that he had caused Hugh de Spencer. The sentence was immediately carried into execution (Nov. 19th), he was removed from the bar, and drawn on a hurdle through the streets of London to the Elms, since called Tyburn, where, as Grafton in his chronicle tells us, he was then placed upon a ladder, and his members cut off from him, and cast into the fire, and his heart also, because he had conspired treason, and then quartered, and his quarters sent to four of the best cities in the realm, and his head set upon London

bridge. (a) Thus miserably perished Mortimer, the victim of the queen's unchastity and of his own lusts.

Neither was Isabella permitted to remain in the castle of Nottingham, the place which she had rendered infamous by her vile amours with a married man, but was removed to a place of perpetual captivity in her own house at Risings, near London; her revenue was reduced to £4,000 per annum, and though the king paid his mother a decent visit once or twice a-year, she was never able to reinstate herself in any credit or authority.

Nottingham castle, however, still continued to be an occasional residence of royalty, and was often the scene of state deliberations and of dazzling splendours of the court. Edward III. possessed much of the ardour and ambition of his grandfather, Edward I., and longed to re-annex Scotland to the British crown; nor was he long before he found an opportunity of interfering in the affairs of that nation. He was at the castle A.D. 1334, on his return from Edinburgh, when, at a parliament held there, the Scottish nobles swore fealty to Edward III., who had succeeded in dethroning David II., son of Robert Bruce, and of constituting John Baliol, his vassal, king. We have seen (p. 4) that Edward called a parliament to assemble at Nottingham, 1337, to promote the interest of manufacture, and prohibited the exportation of English wool, which hitherto had been an important article of commerce in this town.

1346. This year was fought the battle of Crecy, at which we have the first mention of artillery having been used on any remarkable occasion in Europe, and though intended for the destruction of mankind and the overthrow of nations, has, in the issue, rendered battles less bloody, and imparted greater stability to civil societies. Nations by this means have been brought more on a level, conquests have been less frequent and rapid, rebellions easier suppressed, success in war has been reduced nearly to be matter of calculation; and any nation overmatched by its enemies, either yields to their demands, or secures itself by alliances against their violence and invasion.

David Bruce this year made an effort to regain possession of his throne; returning from France, where he had been an exile, he mustered a Scottish army, and invaded Northumberland with 50,000 men, and carried his devastations to the gates of Durham. Edward and his son, prince of Wales, were then on the continent, but

(a) The irregularity of condemning the earl of March without hearing his defence proved advantageous to his family, for Roger, his grandson, afterward obtained an act of parliament to reverse this sentence as erroneous, and of this family, by the female side, descended king Edward IV., who ascended the throne 4th March 1460, 130 years after Mortimer's death.

queen Phillippa assembling a body of little more than 12,000 men, which she intrusted to Percy, ventured to approach David at Neville's Cross, near that city, and riding through the ranks of her army, exhorted every man to do his duty, and to take revenge on those barbarous ravagers. Nor could she be persuaded to leave the field till the armies were on the point of engagement. This was 17th Oct. The Scots commonly declined general engagements, but now they were confident in their superior numbers, but were defeated with a desperate slaughter of 15, or 20,000 men, and the king himself taken prisoner, and brought to Nottingham in chains, and cast into one of the dungeons of the castle, who, it is said by Camden, engraved Christ's passion on its rocky walls.

"Turn we to where, mid coldly silent gloom,  
The imprison'd ray declares the living tomb,  
Where hope, still fondly shrinking from despair,  
Sooth'd the torn breast, and pour'd its unheard prayer:  
Here Scotia's monarch, doom'd to wear away,  
Scarce conscious of its flight, the dreary day,  
To pour where none might quench the gushing tear,  
Till fainting nature stripp'd of death its fear;  
In that dark hour religion lent its spell,  
To smile away the terrors of the cell;  
That dove of promise, yet to still dismay,  
Leave death its light, but steal the gloom away,  
He grav'd the life of suffering on stone,  
And trac'd his Saviour's woes, to cheer his own." (a)

## CHAPTER XII.

1348. This year Calais was taken by Edward and peopled by English, who made it the staple of wool, leather, tin and lead, of which we shall have more to say hereafter.<sup>(b)</sup> At a court ball

(a) Mr. D. Melville, jun. (See Mr. Hicklin's History of the Castle, p. 84.)

(b) Queen Philippa was with her husband, king Edward, at the time Calais was compelled by famine to surrender to the English, who had for some time besieged it. The terms which Edward imposed on its inhabitants were—that six of the notable burgesses should come forth naked, in their shirts, bare-legged, with halters round their necks, and the keys of the town and castle in their hands. "On these will I do my pleasure, and the rest take to my mercy." When these hard terms had been complied with, and the six patriots knelt before the king and begged for mercy, he was so exasperated against them that he ordered their heads to be cut off. The generous queen fell on her knees before the king, and with tears said, "Ah, gentle sire! since I have crossed the sea with great danger I have never asked any thing; now, I pray, for the sake of Holy Mary, and your love to me, that you will have mercy on these men." The king looked at her and was silent awhile; then he said, "Dame, I wish you had been somewhere else, but I cannot refuse you; I put them at your disposal." Philippa caused the halters to be taken from

this year it is said, the countess of Salisbury dropped her garter, and the king taking it up, observed some of the courtiers to smile, as if they thought he had not obtained this favour merely by accident, upon which he called out "*Honi soit qui mal y pense*"—Evil be to him who evil thinks; and as every incident of gallantry among those ancient warriors was magnified into a matter of great importance, he instituted the celebrated order of the garter in memorial of this event.

This year Nottingham was visited by a dreadful pestilence, which spread its ravages over Europe, and it is said was so severe, that it carried off nearly one third of the inhabitants of the kingdom.

The decline of the king's life was accompanied with many mortifications, and that prince who, during the vigour of his life, had been chiefly occupied in pursuits of war and of ambition, began at an unreasonable period to indulge himself in pleasure, and being now an old man and a widower, attached himself to a lady of beauty and spirit, one Alice Pierce, who acquired a great ascendancy over him, and by her influence gave such general disgust that the parliament interfered, by petition to the king, for the impeachment of his son John de Gaunt, duke of Lancaster, the expulsion of lord Latimer from the administration, and the banishment of Alice, the royal concubine. But instead of yielding, the king was so enraged, that he ordered the instant arrest of Sir Peter de la Mare, the speaker of the House of Commons, who was forthwith committed prisoner to Nottingham castle, 1376, and there he remained till the death of the illustrious monarch, which occurred on the 21st June the following year, in the sixty-fifth year of his age, and fifty-first of his reign.

Edward III. gave a charter of privileges to the burgesses of Nottingham, dated from Woodstock, 1st May 1330.

"Edward, by the grace of God, king of England, lord of Ireland, and duke of Aquitaine, to all archbishops, bishops, abbots, priors, earls, barons, justices, sheriffs, reeves, officers, and all bailiffs, and faithful subjects, greeting."

"And we, being well pleased with the grants, confirmations, and restitutions aforesaid, as far as in us lies, do grant and confirm the same, for ourself and our heirs, to the said burgesses and their heirs and successors, burgesses of the said town, as by the said charter more fully may appear. And whereas the said town of Nottingham, with the liberties thereof, was, for certain causes seized

their necks, gave them proper clothes and a good dinner, and then dismissed them with a present of six nobles each. For beauty of person and excellence of character, few women ever excelled this good queen, who possessed the courage of a hero, coupled with a tenderness of compassion toward the distressed, worthy of the best of beings.

into our hands by our well-beloved and faithful William de Herle and his brethren itinerant, justices within the said county of Nottingham:—Now we being desirous to do the said mayor and burgesses an especial favour herein, have restored to them the said town, with all the liberties aforesaid, to have and hold the same to them, their heirs and successors, burgesses of the said town, for ever, in as full and ample manner as by the charters aforesaid they were wont to hold the same, before the seizure aforesaid.—And furthermore, whereas it is contained in a charter of our said great-grandfather, king Henry, that the aforesaid burgesses, and their heirs for ever, should have the return of all writs of summons issuing out of the Exchequer of our aforesaid great-grandfather and his heirs, in all things pertaining to the said borough; and that no sheriff or bailiff, or other officer whatsoever of our said great-grandfather or his heirs, should enter into the said borough to make summons, attachment, distresses, or any other duties, unless in default of the bailiffs of the said town—and the said burgesses and their predecessors having hitherto had the return of all writs of our ancestors and of us, as well of our Exchequer as of all other writs whatsoever pertaining to the affairs of the said town: We, therefore, being desirous to provide for the security of the said burgesses, that they may not herein suffer molestation in future, have, for ourself and our heirs, granted and confirmed that they, their heirs and successors aforesaid, have for ever the return of all writs, as well Exchequer as others in any wise relating to the affairs of the said borough; so that no sheriff, bailiff, or other officer of us or our heirs, shall enter the said borough to make any summonses, attachments, distresses, or do any other duties within the same, unless in default of the bailiffs of the said borough. And whereas it is found, upon a certain inquisition taken by the aforesaid William, and our beloved and faithful Nicholas Falstof, by our command, returned into our chancery, that the said burgesses, time immemorial, to the time of granting the aforesaid charter of our ancestor, king John, and since (by prescription) have had in the said town of Nottingham a gaol, for the custody of persons taken or attached within the said town, and that the said gaol was in the keeping of the persons who had the government of the said town, as well while in the hands of our ancestors, as in the hands of the burgesses as belonging thereto:—We being desirous to confer upon them an especial favour herein, and for the better security of the said town, have granted, and by this our charter do confirm, that the said burgesses, their heirs and successors for ever, have the said gaol in the same town, for the custody of such persons as shall happen to be taken or attached for any cause what-



soever within the said town. Furthermore, whereas the said burgesses, under pretence of the words in the charters aforesaid, *that the men of Nottinghamshire and Derbyshire come to the said borough of Nottingham with their waggons and horse-loads, on Friday and Saturday in every week*, hold a market in the said borough, having regard to their security herein, we have graciously granted to them, and by this our charter have confirmed, that they, their heirs and successors for ever, have and hold the said market on Saturday in every week, together with all the privileges and free customs to a market of this kind appertaining, not willing that the said burgesses should be troubled, molested, or aggrieved by us, our heirs, or any of our officers in any respect, either in time past or time to come, on account of the said market. And we have granted, and by this our charter confirmed, that they, the said burgesses, their heirs and successors, be for ever quit of pontage throughout the land; and we will and strictly command for ourself and our heirs, that the said burgesses, and their heirs and successors for ever, have and hold the aforesaid town, with all its privileges, and that they also have, for ever, the return of all writs of us and our heirs, as well the summonses of our Exchequer, as all other writs whatsoever, that they have the same gaol and market, with all liberties and free customs belonging to markets of this kind, and that they be quit of pontage, as aforesaid, throughout our land.

“ Witness,

H. LINCOLN, Chancellor.

JOHN WINCHESTER,

R. COVENTRY and LICHFIELD,

JOHN DE ELTHAM, Earl Cornwall,  
our well-beloved Brother,

ROGER EARL MARCH,

WILLIAM DE MONT. ACUT.

JOHN MONTRAVERS, Steward of our  
Household, and Others.

“ Given under our hand at Woodstock, the 1st day of May, in the fourth year of our reign.”

It is evident there must have been some delinquency on the part of the burgesses of Nottingham, which induced William de Herle, and his brethren itinerating, justices within the said county of Nottingham, to suspend all the privileges and immunities which the burgesses had hitherto enjoyed, and again (being the second time) Nottingham had been stripped of all its chartered advantages, and reduced to the level of a village, in the short space, from this time, of 50 years. The following exposition of this circumstance has been kindly supplied by one of our contributors, from an original MS.—

"This charter of king Edward is valuable to the historian, inasmuch as it refers to a time which all our local writers have omitted to notice—I mean that period when the disturbance took place respecting the behaviour of the Anhalt soldiers, who were then quartered in the northern suburbs of the town; their insolence and ill behaviour became so intolerable, that a fight took place, and the inhabitants destroyed the chapel of St. Michael, which was outside the wall, and laid waste the whole suburb in its neighbourhood. This event occurred in the year 1327 or 1328, for William de Herle became chief justice in the latter year; he was not an itinerant judge afterwards, but we know he was one of the puisne judges of the Common Pleas from 1321 to the time he was made chief justice. In consequence of the insurrection, the young king suspended the liberties of the burgesses; but at the request, and through the intercession of Roger Mortimer, earl of March, who was beloved by the common people, they were all restored to them by this charter, and this, in part at least, accounts for Mortimer being so great a favourite with the men of Nottingham.

"William de Herle was made lord chief justice of England in 1328, and lord Herle in 1329."

2. There is particular reference made to the town gaol in this charter (now the county prison), which had been granted to the reeve and burgesses by the charter of King John. (See page 193.)

3. Friday's market is, by this charter, united to that held on Saturday.

4. The burgesses have an additional privilege granted to them, by which they are exempted from the payment of a certain national toll, called pontage, collected for the building and repairing of bridges, and from which toll the burgesses are made free throughout the land.

14th Edward III. At the petition of the inhabitants of Nottingham, it was enacted—"That as well the gaol of the town, which the king hath granted to sir John Brace, during his life, as all other gaols as the like, should be annexed to the shrievalty of the sheriff of every county." (See Sir R. Cotton's MS., page 45.)

In the fourteenth year of king Edward III., 1340, a parliament was held at Westminster, when Willielmus de Loderham and Simon Wodeburgh, were returned for the town, and Sir Galfridus de Staunton, and Sir Johannes de Vaus, knights of the shire; a subsidy was granted for prosecuting the wars in France and Scotland, of "the ninth lamb, the ninth fleece, and the ninth sheaf to be taken by two years; and of cities, and boroughs, the every ninth part of all their goods and chattels."

The returns (preserved in the Exchequer) were printed in the year 1807, under the title of "*Nonarum Inquisitiones*," by order of a Commission of State Papers. We make the following extracts relating to this town, from a copy in the Bromley House library, premising that the original is in Norman Law Latin:—

Inquisition taken at Nottingham, on the Monday next before the feast of the Annunciation of the Blessed Virgin Mary, in the fifteenth year of Edward III., king of England, and before the assessors and vendors of ninths of corn, wool, and lambs, granted to our lord the king, in the county of Nottingham, viz. the Rev. Robert Fraunceys, John T'nby, John of Widmerpol, William Picard, Thomas of Normanton, Robert the Spicer, Thomas of Edwalton, Nicholas of Schelford, Thomas of Stafford, John of Watenowe, John of Bredon, and John of Polesworth.

St. Mary's Church.—They declare upon oath that the Church of St. Mary, Nottingham, is taxed at sixty-seven marks, that the ninth of the sheafs, wool, and lambs, is worth sixteen marks (£10 13s. 4d.) and not more, because sixty acres of land, which belong to the hospital of St. Leonard, lie barren and uncultivated, and because the chapel of St. Michael, which belonged to the said church, and was worth fourteen marks, was lately destroyed with the suburb of the said town. They declare, also, that the tenth of hay belonging to the said church is worth forty shillings; and that the oblations, mortuaries, and altar-dues, are worth thirty-four marks and a half (£23.)

St. Peter's.—They also declare that the church of St. Peter, Nottingham, is taxed at eight marks sixteen shillings; the ninth of wool and lambs is worth two shillings and sixpence, and not more, because there is no corn land; and that the oblations, mortuaries, and altar-dues, are worth nine marks and twopence (£6 0s. 2d.)

St. Nicholas's.—They also declare that the church of St. Nicholas, Nottingham, is taxed at seven marks and twenty pence; that the ninth of the wool and lambs is worth five shillings and not more, because they have no corn land appertaining thereto; and it is worth, in oblations and altar-dues, five marks (£3 6s. 8d.), and not more, because great part of the said parish is occupied and possessed by the brothers of Mount Carmel, and minor brothers, who have divers tenements within the said parish.

The property of the burgesses of the town of Nottingham is under-written, viz.:—

William the Wayte hath in goods 10s., Alex. of Grymston 40s., Adam of the Parks 10s., Radulph Mayn 1s., Radulph of Wolaton 100s., John of Widmerpol 20s., Richard Scotter 20s., Hugh of Carlisle 20s., Roger of Hokesworth 20s., Adam of Skegby 10s.,

Radulph of Cokswell 60s., Hugh of Tigheler 100s., Richard of Touton 60s., Hawysia of Sallowe 20s., John Larcher 60s., John Davy 10s., John of Beston 10s., Radulph of Cupper 60s., John of Rippley 30s., Robert of Colston 10s., James the Plasterer 20s., Richard of Halum 40s., John of Bridgeford 10s., John of Morley 40s., Peter of Wydmerpol 10s., Richard of Stanley 10s., Richard the Messenger 40s., Robert Fraunceys 60s., William of Strelleye, ironmonger, 20s., William of Edwalton £5, William of Amyas £60, Robert the Marshall 10s., Richard the Couper 20s., John of Penwith 10s., John Fox 30s., Robert of Morewood —s., Hugh the Shepherd 10s., John of Shirewood 40s., William, son of Margerie of Crophill 60s., Richard West 10s., Nicholas of Breweston 20s., Richard of Grymston 10s., Thomas of Edwalton £7, John the Colier £15, John Trumpour 20s., Thomas of Mokesburgh 100s., William of Crophill 40s., Adam Sewall 30s., Adam of Brokestowe 10s., Simon of Lenton 40s., John of Hokenall 30s., Richard Dod 30s., John of Henoure 40s., William of Wodburgh £3, Robert of Birton 10s., Alexander of Stewell 10s., Alicia of Hoton 20s., William the Bawstranger 10s., William of Amyknowe 10s., Robert of Crophill 30s., Roger of Crophill 40s., William of Bade-sone 40s., Adam Kemay 40s., William of Beston 20s., Roger of Bochoall £25, Adam of Colewick 10s., William, son of Henry of Sutton, 30s., Isolda, mother of the aforesaid William, 30s., Hugh of Stapleford 20s., John the Shipwright 30s., John of Titheby £2, William of Sallowe 20s., Agnes Lonot 10s., Adam Barri 10s., Alicia Touk 10s., Stephen the Pulter 10s., Richard of Trowell 10s., Simon of Wodburgh 10s., Robert of Derby 30s., William Day 40s., John of Stanton 10s., Robert of Cotegrove 20s., Isabella Daft 60s., Henry of Gamelston 10s., Hugh of Thorpe 40s., Robert Atte Lee 10s., Roger Barond 60s., William, son of John of Suoynton, 60s., Roger of Mekesburgh 20s., John of Suthewell 10s., John of Baseford 10s., John of Colwick 10s., wife of Richard of Chillewell £5, Gervas of Brademar £2, John of Thurmeton 40s., Avicia of Blitheworth 40s., Alan of Pontfreit 30s., Richard the Potter 40s., Henry of the Howe £2, William of Wynton 20s., William of Papelwick 20s., Robert Dogat 40s., John of Herthill 30s., Hugh of Candeler 20s., Simon the Chaloner 20s., Henry of Chastrefeld £15, John Aumfies 20s., Thomas of Lenton 20s., William of Kagworth 40s., John the Halner 30s., John the Chafter, jun. £3, Henry the Milner 40s., William of Stretford 10s., John of Norris-sone 10s., Nicholas the Glover 20s., Henry of Langer 10s., John of Denby 20s., William the Glover 30s., John of Lock 20s., John of Torlaton 20s., John of Welles 40s., Henry Swain 10s., John Picard 40s., Thomas of Normanton 40s., John Passeys 20s.,

Richard the Curzon 20s., Henry the Waller 10s., Agnes the Bere 20s., Anabella of Byngham 10s., Thomas of Hynkeley 20s., William of Roderham £7, Radulph the Tanner 20s., William Pycard £111, Richard Sele 20s., John Marchaunt 10s., Richard Saumon £15, John of Radeclif 30s., Richard the Tanner 10s., Serlo of Thorp 11s., Roger of London 20s., William Brian £2, John Cosyn 40s., Cecilia the Tanner 20s., Hugh the Spicer £9, William the Mercer 40s., Robert of Brademere 40s., Robert of Henoure 60s., Richard of Cotegrove 1s., Richard of York £3, John of Tumbly £10, Simon of Galeway 10s., Hugh of the Wold 10s., William of Tarlaton 40s., William of Skegby 70s., Adam Fincher 40s., John of Stour 10s., Richard of Polisworth £3, wife of Thomas Stanley 20s., Margerie the Potter 100s., Hugh of Wymondwold 10s., Henry of Staunford 40s., William of Holm 40s., Thomas of Goldsmith 10s., Henry of Hokenal 60s., John Elys 20s., Agnes of Warewyk 20s., John of Beverlay 20s., William of Bowyer 10s., Alexander of Kent 20s., John of Bredon £3, Simon of Cestfield 10s., John of Watenowe 60s., Richard the Sherman 40s., John of Hetham Fisshet 60s., Robert Ferthing 20s., Robert Samon 30s., Robert of Simondson 40s., Robert the Cupper 1s., Adam of Blyth £5, William Scot 10s., Richard Garletmonger 20s., Robert of Woleton 10s., Robert Kynston 15s., Walter of Wath 20s., John Scot 20s., William of Dembulby £30, Adam of Plumtree 20s., Henry of Bradener 20s., Richard of Maniton 40s., John Spellwood 10s., Richard Tookard 10s., John of Wylughby 10s., Robert Prentys 10s., William Goddesone 30s., Henry of Lancaster 20s., Nicholas of Shelford £5, Roger the Colier 10s., John of Bridgeford, draper, 20s., Alan of Shepeshened 10s., John of Terpeley 10s., Hugh of Radford 30s., Adam of Plumtree, draper, 20s., John of Grantham 10s.

Sum total of all the goods of the burgesses of Nottingham £465 10s. 3d.; hence the ninth, £50 13s. 5d.

### CHAPTER XIII.

The town is under the ecclesiastical jurisdiction of the archiepiscopal see of York, and is the head of an archdeaconry, over which the Venerable George Wilkins, D.D., now presides, to which he was appointed on the resignation of the late William Barrow, D.C.L. 1832.

The diocese of York was divided into five archdeaconries, by Thomas, then its archbishop, in 1190. The archdeaconry of Not-

tingham has no endowment; the dignity is sustained wholly by the perquisites of the office, which, in 1534, were valued at £61 0s. 10d.

Formerly the archbishop paid the town a triennial visit, for the purpose of confirmation; but of late years his visits have been less frequent, and uncertain. The archdeacon, either himself or by his official, as deputy, holds an annual visitation, in the spring of the year, in St. Mary's church, at which the clergymen in the archdeaconry attend; and the churchwardens for the current year are then sworn into office.

The spiritual court of the archdeaconry has for ages been held in St. Peter's church, but the judicial has long been removed to the cathedral of York. Dr. Wilkins is now the official and surrogate for proving of wills, and Mr. Baulgy, attorney-at-law, is the registrar. On the death of Thomas Ward, 1833, Mr. Benjamin Hawkebridge became apperator.

There is a list of the archdeacons of Nottingham, which reaches up to a very early date, and within 84 years of its first establishment, commencing in the 20th year of Henry II., 1174. The christian name alone of the first archdeacon is legible, which is John, who retained the office seven years, and was succeeded, in the 27th year of the reign of the same monarch, 1181, by William de Thaney, who discharged the duties of the office the next seven years; and then was succeeded by Robert Fitz William, in the 35th year of the reign of Henry II., and one before his death, 1186. This gentleman held the appointment the next two years, and was succeeded by William Jestand in 1190, and 2d of Richard I., whose predecessor might possibly have taken the cross, and accompanied his valiant sovereign to Palestine, in the holy crusade. Jestand sustained the sacred office 29 years, witnessing the troubles of the two reigns of Richard I. and John. William de Rotherham was next elevated to the dignity of archdeacon of Nottingham, 3d Henry III., 1219. After five years William de Bodeham was appointed, and discharged the duties of his office sixteen years, when he was succeeded by Thomas de Wynton, 24th of Henry III., 1240, who held the preferment 22 years.

1241. This date commences the list of pastors of the churches of Nottingham, which show the rectors of St. Peter's is of higher antiquity than either of the other two, being eighteen years before we have any record of the rectors of St. Nicholas', and forty-nine years before the vicars of St. Mary's. The first rector of Nottingham whose name has been handed down to us is Johannes de Nottingham, and, as we said, is dated 25th Henry III. This gentleman sustained the office till the 8th Edward I., 1280, being 39

years. This fact by no means proves the church itself is a building of higher antiquity than St. Mary's.

By referring to page 157, A.D. 1139, it will be seen that Fitzroy, a natural son of Henry I., by whom he was created duke of Gloucester (after the battle of Northallerton, in which Peverel and the men of Nottingham had been engaged, where the Scots, the allies of the empress Maud, were defeated, having ravaged this and the adjoining counties with fire and sword, in the absence of Peverel and the military, who were then with king Stephen, besieging Lincoln castle), took a terrible revenge on the town and its defenceless inhabitants, whom he indiscriminately massacred; and when they fled to the churches for sanctuary, burnt them there, together with the whole town.

We shall defer our observations on church architecture till we come to consider the more splendid fabric of St. Mary's, and now offer a few observations, in answer to the question, "When was the church of St. Peter built?"

1. We know there were the chapels of St. James and St. Michael in Nottingham long before the time of the Normans—during the Saxon dominancy, and we know the sites on which they stood; the former being near the Independent chapel, St. James's-street, and the latter outside the town wall, west of Fox-lane, not far from the wooden erections called the Cholera Hospitals, now used as a workhouse free school, on the Back Commons; but where do we read, or hear by tradition, of St. Nicholas' or St. Peter's, or any church in Nottingham, before the conquest, beside the church of St. Mary? And as Domesday Book is silent on this subject, we may safely conclude no other church was then in existence in Nottingham.

2. After the conquest, William de Peverel, Ralph de Burun (the late lord Byron's ancestor), and many other Norman families, took up their residence in this place, being walled round, and a strongly fortified town. But then the proud Normans would not mix with, or hold any intercourse with the despised English, and, as we said before, a line of separation was drawn from Boot-lane, along Cow-gate, Bridlesmith-gate, down Drury-hill, Turn-calf-alley, and from thence southward, along the Meadows, as far as the Trent. West of this line no Saxon might set his foot; and east of it, for fear of losing caste, no Norman would: hence originated the French and English boroughs. The ancient English church of St. Mary was in the despised borough of the proscribed natives, a very sufficient reason why a Norman would not use it as the place of his worship, and as an argument equally convincing why he should have a church in the French borough of his own.

3. If the preceding observations at all favour the probability that the Normans would erect themselves a church, whether of the two, St. Peter's or St. Nicholas', are we to consider as having the honour of being erected before the other? Unquestionably as they are within the boundaries of the French borough, in their origin both the churches were French. From its proximity to the castle, it is very probable lord Peverel, his family, and guard, would attend the church of St. Nicholas, and for this reason we incline to the opinion that it was built before the church of St. Peter. But this is not all. There is a tradition yet lives amongst us, that St. Nicholas' used to be the mother church, and this tradition has strong probability in its favour. If the Normans did despise the English—and they did;—if they did divide the town in two parts—and they did;—if they did worship as christians—and so they did;—if the lord of Nottingham did build either of the two churches, and at all consulted his own convenience and that of his family (and we have no reason to suppose he did not),—then that church which he erected, that which was the former of the two, and that whose minister, from these circumstances, would claim a superior control over the other, would be the church and the minister of the church of St. Nicholas.

St. Peter's, however, must have been erected within a short period of the time when St. Nicholas' was built, for both these, and St. Mary's are mentioned in foundation deeds of the priory of Lenton. (p. 152.)

It is very probable the first erection on this site was of wood, which was burnt in the twelfth century by the duke of Gloucester, and that the present building of stone was erected in the latter part of the same century, by Henry II. (see p. 165.) The site of this church and burial ground by which it is surrounded, is a declivity, which falls westward from Bridlesmith-gate to the foot of Wheeler-gate and Hounds-gate, &c. It is a neat gothic structure, with a tower at the west end, supporting the only spire in the town, and containing a peal of eight bells, cast in 1771, and said to be the best attuned and the most melodious of any within many miles; they were rung for the first time on the morning of christmas day in that year. Dr. Deering informs us that this church had eight bells, which were neither so large nor so musical as those of St. Mary's (p. 35.) And further (p. 34) there are in this church two chapels, one towards the south, which I take to be St. Mary's; the other towards the north, which is the chapel of All-Saints. In the year 1739, in the month of July, Mr. Abel Smith, banker, of this town, caused a vault to be built for his family in this chapel, the workmen digging, to come to the rock for a foundation, met with



an arch in the north wall, about four feet high, from the foundation of the church, which in all is not above five feet deep in this place, and neat ten feet from the rock. At the bottom of this arch they observed a stone trough, part of which advanced into the chapel, the rest was under the arch, just broad enough to hold a coffin, and long enough for the same purpose; in it they found the bones of a corpse, which were all firm and sound, whereof myself was an eye-witness, and a red tile glazed, with cross keys upon it.

Diverse were the conjectures concerning this tile, when John Plumtre, Esq., then one of the members of the House of Commons for Nottingham, coming soon after from London, upon my relating to him the story, shewed me a like tile, which he had found entire amongst several broken pieces in the burial place of his ancestors in St. Mary's church, at his making a vault there.

It is a red tile of very hard composition, just four inches and a half square, and one inch thick; the upper surface of it glazed, of a brownish colour, and on it the figure of a bell in yellow, placed diagonally, and of as large a dimension as the tile will admit of; on one side of the bell the figure of a key, and on the other a broad sword, the symbols of St. Peter and St. Paul. Mr. Plumtre, with very great probability, is of opinion, that these characters show such tiles to have been destined at their making for the use of a church; and that probably these were the original pavement round the altar, which was on the east side of the said cross isle, and separated from the rest of the chapel of All-Saints by the chancelli, which remained standing till the year 1719 of the same form with those that still enclose the whole chapel. That the original pavement was probably in process of time broken up for graves, and the pieces of it thrown negligently in with the earth that had been taken out, and that as this chapel had been dedicated to All-Saints, and as on this tile there are the symbols of the two saints, it is not unlikely, if more of these tiles had been preserved, the symbols of other saints might have appeared thereon.

The just named gentleman informed me that the bones found in the arch are the remains of John de Plumtre, founder of the hospital at the bridge-end, who desired to be buried in this chapel, under the wall of this church, and that near this place Henry Plumtre, and several others of the family were buried. Dr. Thoroton (p. 497) mentions that Henry Plumtre (brother of the founder), by his will, dated the 11th of Henry IV., 1408, ordered that his body should be buried in the chapel of All-Saints, beneath, or in the church of St. Peter, in Nottingham.

In the church there was a guild or fraternity of St. George, as appears by the guild book still preserved in the vestry, wherein the

accounts of the guild were kept; it beginning in the year 1440, and is continued to the dissolution of chapels and chantries. There was also, besides another; the chantry of St. Mary.

In the west corner of the south aisle, is held the spiritual court, which formerly used to be kept in the chapel of All-Saints. They meet once a month, and oftener if business require it.

The exterior of this edifice has undergone considerable repairs within the last six years. In 1789 the upper part of the steeple was in a very dilapidated state, when a man of the name of Wooton, commonly called the steeple climber, <sup>(a)</sup> undertook to repair it, without the expense of scaffolding. He began by placing a ladder against the steeple, which he secured to the wall with tenters; he then mounted that, with another on his shoulder, which he fastened above it in like manner, and so on till he reached the top. To prevent himself falling, he was girded round with belts, which, by means of hooks, he connected with the ladders. Thus were the materials borne up, and thus was Wooton enabled to rebuild four yards of the steeple; and when he had completed the work, he fixed a weathercock on the top. When he had accomplished his undertaking, in order to excite admiration and obtain money, he walked round the summit of the spire, beat a drum, and drank a bottle of ale, in the sight of thousands of people, on a market day; but reprobation of the man's temerity so far over-balanced public admiration, as, in a considerable degree, to diminish his expected reward. <sup>(b)</sup>

In 1800 the south side of the church was rebuilt, though the stone was extremely unfit for such a purpose; and in 1806 and 7 the northern portico was taken down, and that side of the church was stuccoed. A question, whether the parishioners should repair the chancel, was agitated in the vestry in 1814; but, in consideration of there being no great tithes belonging to the rectory, with the prospect of a most expensive litigation, and a doubt of success before their eyes, the parishioners agreed to take the burthen upon themselves.

Dr. Deering says, that during the civil wars an accidental bomb fell into the vestry, and dashed it to pieces; and Throsby says, this circumstance happened when the town was *besieged*. If that

(a) Mr. Philip Wooton, a descendant of the above named "steeple climber," performed a similar feat at Manchester, where, in 1823, he took down and refixed the ball and cross which surmounted the lofty spire of St. Mary's. He ascended solely by the means of ladders, which he contrived to fasten to the spire, one above another, from the bottom to the top.

(b) Through misfortunes, this man ended his days in Nottingham gaol as a debtor, in 1808.

species of attack could be called a *siege*, as Mr. Blackner observes (p. 93), which consisted in a body of men obtaining possession of the town by treachery, in the night, then Mr. Throsby is right. I presume that Colonel Hutchinson purposely directed several bombs or shots at this church, to drive away the royalists from Newark, who had obtained a lodgment in it, in February, 1644.

A peculiar neatness distinguishes the interior of this church, in which an organ was erected, by subscription, in 1812. A large square window used to adorn the east end of the chancel, by the variegation it displayed of ancient coats of arms, in stained glass; but it was built up in 1720, and an altar-piece was placed against it, which was a great ornament to the church. The painting represented Christ and the eleven disciples at the "Last Supper;" but this has been removed to make room for a new and beautiful painting, by that celebrated artist, Mr. Thos. Barber, of this town, representing "Christ's agony in the garden."

The north side of the chancel is graced with several mural monuments:—two to the memory of Lockes and Saunders, ornamented with their respective armorial bearings. Another informs us that John Tempest, esq., third son of sir George Tempest, bart., of Tong, in the county of York, died in 1752, aged 51 years; his wife, Elizabeth, is stated to have followed him in 1784, at the age of 77 years: it also records the Rev. Robt. Tempest, who departed this life in 1755, aged 53. Near the vestry door is a beautiful white marble tablet, sacred to the memory of Charlotta Elizabeth, daughter of Robert lord Carrington, and of Anne, his wife; she was wife of Alan Hyde, lord Gardner, and departed this life 27th March, 1811, aged 27 years; she left two children to lament the loss of one of the most affectionate of parents, in whom appeared concentrated every virtue that could enoble and adorn the female character.

On the opposite wall is one to the memory of Edward Chappel, rector of this parish, and of Bamborough, in the county of York, and prebendary of Southwell. Over the door is a plain monument, which states, John Sherbrooke, gent., to have died in 1760, aged 84. There are several other monuments in this church, among which we will notice one to the memory of Francis Braithwaite, a respectable hosier of this town, who died at the age of 47, in the year 1813. He was principally instrumental in causing the organ to be erected the previous year. In the south aisle is one to the memory of Thomas Trigge, alderman, who quitted this earthly tabernacle in 1704, in the 52d year of his age; he gave £50 at his death to buy land with, the rent thereof to be distributed in bread to the poor, by the minister and churchwardens, on Christmas-day.

Near to this is one to the memory of John Rickards, alderman, who departed this life in 1703.

Upon a tombstone in this aisle is the following inscription :—  
 “Here lie the bodies of William Ayscough, printer and bookseller, of this town, and Anne, his wife; she was daughter of the Rev. — Young, rector of Catwick, in the county of York: he died March 2d, 1719; she died Dec. 16th, 1732.” To this Dr. Deering adds, “The above Mr. Ayscough is remarkable for having first established the art of printing in this town, about the year 1710.” In the north aisle are several hatchments; one to the memory of a bachelor, of the name of Langford; one to Lady Carrington; one to Abel Smith, Esq., banker, who died in 1788; and two others to members of the same family.

The church yard, till the year 1804, was open to the public, there being one entrance to the north, one to the south, and one at the north-east corner; but it was then inclosed, stopping the north and south entrances, and by running a line of cast metal palisades across the east end, leaving a footway from the north-east corner; the southern and northern boundaries of the ground being inclosed with a wall; a principal entrance, for persons attending divine worship, is preserved in the latter direction, near the end of Peck-lane. In 1831, a new burial ground, containing 16,000 square yards, near the workhouse in the Broad Marsh, was opened for the use of St. Peter's parish. Upwards of 700 free seats for the use of the poor were erected in the church a few years ago.

The benefice is a rectory, valued in the king's books at £8 7s. 6d., is in the patronage of the sovereign, and now in the incumbency of the Rev. Robert White Almond, M.A. The Rev. — Bousfield is the curate, Mrs. Cooper is the organist, Mr. W. M. Kidd, clerk, and Mr. Martin the sexton. The rector (the Rev. R. W. Almond) receives 20s. a year for preaching two sermons on Easter and Whit-Monday, from the bequest of John Burrows, left in 1659; he also possesses an acre of land in the Meadows, left in 1730, by John Paramour, for two sermons; one on Ash Wednesday, and the other on Ascension Day.

It is much to be regretted that so little is known respecting the character and usefulness of the forty-eight rectors who have succeeded each other in the pulpit of St. Peter's, embracing a period of 598 years. The following particulars we have been able to collect respecting a few of them :—

The first is the Rev. John Plough, jun., son of John Plough, by whom he was immediately preceded in the rectory. John Plough, the elder, was inducted into the living in 1510, and 1st of Henry VIII. As this was fifteen years before the Reformation, of course

he entered upon the living as a *catholic priest*, but became the first protestant rector, after Henry VIII. renounced submission to the authority of the pope of Rome, in 1525, and died a protestant in the 30th year of the reign of that monarch, by whom his son was presented to the living, which he continued to hold the next fifteen or sixteen years, when he was ejected by queen Mary from the rectory, and a catholic priest, of the name of Nicholas Cooke, was presented to the living in 1553, who continued to officiate at the altar till the death of queen Mary, in 1558; but on the accession of Elizabeth he also renounced the communion of the church of Rome, and became a protestant rector, in which communion he died, 1578, having sustained the office 25 years.

John Plough, jun., before named, from his writings, appears to have been a zealous protestant; he wrote a spirited essay against clerical celibacy, which became very popular in the kingdom in the reign of Edward VI., but after the accession of queen Mary, so incensed her ministers against him, they determined to take his life; but he escaped to Basil, in Switzerland, where he wrote "An Apology for the Protestants," which he published, and after that another work, entitled, "A Treatise against the Mitred Man in the Popish Kingdom." "The Sound of the Doleful Trumpet" was the last work that proceeded from his pen; he died in the 1st year of queen Elizabeth, 1559.

The other to whom we refer was the Rev. J. Barret, M.A., whose predecessor was the Rev. R. Whitchurch, who had succeeded the Rev. J. Aysthorpe; but Mr. Whitchurch dying in 1556, was succeeded by Mr. Barret. Both the latter gentlemen were of the Presbyterian creed. Mr. Barret met with much opposition, says Dr. Calamy, (a) "but was marvellously screened by special providence," in whose time he was living co-pastor with the Rev. J. Whitlock (late vicar of St. Mary's), of the dissenting congregation established in the High Pavement, after the passing of the act of toleration 1st W. and M., 1688. His case, and that of the Rev. J. Whitlock, vicar of St. Mary's, as to their ejection, was singular. The following account of it was left under Mr. Barret's own hand:—

"They were both cited to appear at the archdeacon's court, and upon their appearance, sentenced by sir Edward Lake, the official, for a future offence; that is, if they did not read the Common Prayer and wear the surplice, the next Lord's day, July 6th, 1662, to be suspended from office and benefice. This was after Dr. Harcourt, the archdeacon, had told some of their friends that he had

(a) Calamy's "Life and Times of Baxter," p. 373; also, "Conformist's Fourth Plea for Nonconformity," p. 77.

received a prohibition from the archbishop of York, against meddling with any new cause (as their's was, not being yet cited) to the prejudice of his (the archbishop's) visitation. Both Mr. Whitlock and Mr. Barrett were determined to hold on preaching in their places, though sir Edward Lake should prohibit them, till restrained by force ; but they were prevented thus :—At the same time that he decreed their suspension he also decreed the excommunication of the churchwardens of both parishes, if they did not present their ministers with Common Prayer books and surplices ; and (in case the ministers did not conform thereupon) if they did not provide conforming clergymen from the day before mentioned, which some of them were ready enough to do ; so that Mr. Whitlock and Mr. Barret could not get into their pulpits but against the churchwardens, which would have been deemed a riot. The irregularities of these proceedings plainly appeared at the archbishop's visitation, after Bartholomew day, when Dr. Borell asked whether he had conformed ? He answered 'No.' 'Then I suspend you,' said the chancellor. Mr. Barret replied, 'I am suspended already.' That caused a silence in the court for some time, and a private debate between the archdeacon and the chancellor took place. Hereupon the opinion of the serjeant-at-law was asked, upon sir Edward Lake's decree of suspension, and it was queried whether their ejection was not contrary to Bartholomew-act, as it was against the archbishop's prohibition. By that Act they should have been allowed till August 24th to consider whether they could, with a safe conscience, conform, for the new Prayer book (to which they must give their assent and consent, if they would keep their places) was not come down by the 6th of July, so that their assent and consent must have been by an implicit faith."

The author of the Conformist's Plea, p. iv. 77, relates the following instance :—"August 26th, 1676, four informers had planned a design to take Mr. Barret and his hearers, at a meeting in a private house at the town's end ; two of the informers rode off for a warrant, and the others came to discover the meeting. One of them walked backward and forward between two stiles, leading into the yard where the meeting was, but had not power (as he said afterward) to go over the stile nearest the house, though he often had his hand upon it ; and though he could not but know the house by the description given of it, he turned to another and asked a woman whether the meeting was not there. She was so overcome with fear, that she could make him no answer. In consequence of this delay, the people got away before the informers came." The same author also relates, "That the informers haunted them several times afterwards, but were as often crossed ; and that

Mr. Barret, at one time, charged two of them with guilt in violating the Sabbath, and hindering others who would keep it, reminding one of them of the great terrors he had formerly suffered in a fit of sickness, and how welcome he himself was to him, at that time, to visit and pray with him, upon which both of them seemed to relent. [One of these men, soon after this, was sent to jail for deer-stealing.] Mr. Barret died Oct. 30th, 1713, aged 82. His funeral sermon was preached by Mr. Whitlock, junior, his colleague, where his character may be seen. He printed and published a 'Treatise on the Covenant of Grace,' 8vo.; 'The Christian Temper;' 'A Discourse on the several Graces that make a complete Christian,' 8vo.; 'Two Controversial Treatises against Dr. Stillingfleet, in defence of the Nonconformists,' 4to.; 'Fifty Queries about Infant Baptism, collected out of Mr. Baxter's Books,' 8vo."

#### CHAPTER XIV.

The following are the charities belonging to the parish of St. Peter, extracted from the report of the commissioners appointed by government, on the motion of Henry (lord) Brougham, to inquire into the management of charities in England and Wales, 1828, and may be tendered as legal evidence in any court of justice in the kingdom.

1598. June 30th, Roger Manners, by his will, left £5 for the benefit of the poor of Nottingham, half to St. Mary's, and the other equally to the parishes of St. Peter and St. Nicholas.

Luke Jackson, citizen and girdler of London, by his will bearing date 1630, 26th Jan., and proved in the Prerogative Court of Canterbury in the same year, reciting that he was siezed in fee of certain tithes yearly arising at or near Horsepool, in the county of Leicester, being about the value of £20 per annum, devised the same to his brother, George Jackson; his brother-in-law, George Coates; Robert Wood, of Nottingham; Richard Glyd, of London; and Richard Mills, of London, and their heirs, on trust, after his decease, yearly to pay the clear rents and profits thereof in manner following; that is to say, two equal third parts as followeth:—40s. thereof, yearly, to be given for two sermons to be preached in St. Peter's church, in the Town of Nottingham, on 28th July and 5th November, acknowledging God's mercy, and giving thanks for the deliverance of this land and people at two several times, from the Invincible Armada (as it was termed) in 1588, and from the Gunpowder Plot in 1605, and the residue of the said two thirds to

be distributed among the poor people in the parish of St. Peter, at the discretion of his five feoffees, and their heirs ; and the other third part of the clear profits of the said tithes as followeth, *viz.* 40s. for two sermons to be preached in the church of Thornton, near Horsepool, at the discretion of his said feoffees, and on trust, that the survivors of the feoffees should, on request, convey the said tithes to four of the most honest and able persons dwelling in the said parish of Thornton, and their heirs, to the uses above mentioned.

“ By indentures of lease and release, bearing date the 25th and 26th November, 1811, between Samuel Smith, esq. (who had survived his co-trustees), Thomas Boot, John Alleyne, and Samuel Sheldon, of the one part ; and Abel Smith, esq., Richard Webster, Francis Braithwaite, and Jonas Kewney, all of Nottingham, of the other part, reciting the above mentioned devise of Luke Jackson, of the one part, and Joseph Wright and John Parker, aldermen of Nottingham, and William Drury and Arthur Rickards, of the parish of St. Peter, Nottingham, of the other part ; the said Richard Mills, in pursuance of the trust in him reposed, as to the devise to the poor of the parish of St. Peter, and at the request of the said parties of the second part, on behalf of the said parish, bargained and sold to the said parties of the second part, and their heirs, two parts in three of the said tithes yearly arising at Horsepool, to the uses declared in the said will ; and reciting several deeds for appointing new trustees, the last of which were dated 30th and 31st March, 1779 ; and further reciting, that by virtue of an act of parliament for dividing and enclosing the open and common fields in Stanton-under-Bardon, in the county of Leicester, the said tithes arising in Horsepool were extinguished, and in lieu thereof, the commissioners appointed for such inclosure awarded to the trustees of the said charity a piece of land, containing 55A. 0R. 21P., lying in the field called ‘Hawney Field,’ bounded as therein described, which, in the opinion of the said commissioners, was equal in value to two third parts of the residue of the allotments thereby made in lieu of tithes, after having deducted out of the whole of the said allotments the vicar’s share in lieu of tithes ; and that the said commissioners also awarded to the said trustees an annual payment, or composition, in lieu of tithes in Stanton-under-Bardon, amounting to £9 2s. 5d. ; and further reciting, that the trustees under the deeds of 30th and 31st March, 1779, were in the receipt of the rents and profits of the lands so allotted, and the said annual payment ; and that the said Samuel Smith was desirous to convey the charity estates to new trustees, and that the said parties were all parishioners of St. Peter’s ; the said Samuel Smith conveyed to



the said parties of the second part and their heirs, the said piece of land, and also the annual rent of £9 2s. 3d. to the use of him, the said Samuel Smith, and of the said parties of the second part, and their heirs, as trustees for the purposes mentioned in the will of the said Luke Jackson. And it was provided, that when two of the said trustees should die, the survivors should, on the request of the parishioners of St. Peter's, convey the said land and rent to the use of the said survivors and such others to be appointed by the parishioners of the said parish, as would make up the number *five*, and to their heirs, on the trusts of the said will."

Of the above named trustees, Samuel Smith, Abel Smith, and Jonas Kewney, are the present survivors.

Stanton-under-Bardon, mentioned in the above abstracted deed, and Horsepool, form one township in the parish of Thornton, in the county of Leicester, for the benefit of which parish a third part of the tithes of Horsepool were given by the donor's will. Under the above mentioned "Stanton Inclosure Act," passed in 1779, a separate allotment of land was made to the trustees of the branch of this charity belonging to Thornton, in lieu of their third part of the tithes, which will be a subject of inquiry amongst the charities of that parish.

By the award of the commissioners for the inclosure of "Charnwood forest," under an act passed in 1808, an allotment was made to the overseers of the poor of the parish of St. Peter, Nottingham, in respect of their estate in Stanton-under-Bardon, of a parcel of land in the parish of Markfield, containing 7A. 3R. 16P., bounded southwardly by ancient inclosures in Stanton, and otherwise as therein mentioned.

By the same award, another allotment was made to the trustees of Jackson's charity, and their successors, as impropiators of Stanton-under-Bardon, in compensation of all great and small tithes, arising in any of the lands within that part of the forest of Charnwood, which lay in the township of Stanton, of a parcel of land in that township, containing 5A. 1R. 16P., bounded as therein mentioned.

The property of the branch of Luke Jackson's charity, belonging to the parish of St. Peter, consists of a farmhouse and out-buildings, and 62A. 3R. 37P. of land (comprising the allotment of 55A. 0R. 21P. under the Stanton-under Bardon Inclosure Act, and that of 7A. 3R. 16P. under the Charnwood Forest Inclosure, the latter having been made in request of the former), now in the occupation of John Mee, as yearly tenant, at a fair rent of £74 16s. per annum, to which amount it was raised from Lady-day 1825, on the valuation of a surveyor. The annual composition of £92 5s.

awarded by the first mentioned inclosure act, in lieu of a portion of the tithes, is collected by the tenant from the occupiers of the lands out of which it is payable, making the whole annual sum to be received by the trustees £83 18s. 5d., of which he pays £83, the residue being allowed to him. The annual sum paid by the tenant, up to Lady-day, 1825, including rent and composition, was £67.

The allotment of 5A. 1R. 16P. under the "Charnwood Forest Inclosure Act," in respect of tithes arising on the part of that forest lying in Stanton, was made to the trustees of Jackson's charity generally, and it is considered that this branch of the charity is entitled to two third parts of it, and the Thornton branch to the remaining third. It is not yet inclosed, but it has been lately agreed that it shall be divided in the above mentioned proportions; and when this is done, it is intended that the portion of it belonging to St. Peter's parish shall be inclosed, and let to Mr. Mee, the tenant of the residue of the estate, at a fair rent.

From 1823 to the present time, the accounts of this charity have been kept in the ledgers of the bank of Messrs. Smith, of Nottingham, having been transferred in that year from their bank in London, where they were previously kept. Mr. Henry Smith, as residing near Nottingham, and acting on behalf of his father and brother, two of the trustees, has, for some years past, had the principal management of the charity.

An annual sum of £2 is paid to the rector of St. Peter's for preaching two sermons in the church on the days specified in the donor's will, viz. 28th July, and 5th November; and on those days contributions are made to the poor, the amount of which, from 1823 to 1827 (including 3s. 6d. paid to the master and mistress of the workhouse for their attendance at each distribution, to give information as to the necessities and merit of the poor), has been as follows :—

	£	s.	d.
1823—July 28th .....	25	11	0
November 5th .....	24	10	6
1824—July 28th .....	24	19	0
November 5th .....	25	13	0
1825—July 28th .....	24	3	0
November 5th .....	29	15	6
1826—July 28th .....	27	18	0
November 5th .....	24	16	6
1827—July 28th .....	15	9	0
November 5th .....	48	2	6

All these distributions were made in money, except that of November, 1827, which consisted of coals, as being considered by Mr. Henry Smith more useful to the poor than a pecuniary distribution; and for the same reason, the two distributions for that year were more unequal in amount than in the preceding years, that of July, 1827, consisting of money.

In February, 1826, in consequence of there being a balance of £104 8s. in favour of the charity, on the accounts of the preceding year, an additional distribution was made of coals, to the amount of £70 10s. 6d. The distributions are made to the poor, who assemble at the vestry of St. Peter's church on the above mentioned days, by Mr. Henry Smith. They have been extended to settled parishioners of St. Peter's, although not resident in the parish; but not to poor persons dwelling there belonging to other parishes. It would seem, from the donor's will, that his charity was intended for the benefit of poor persons resident in the parish, whether belonging to it or not, subject to the discretion of the trustees as to the selection of proper objects. Lists of the names of the persons partaking of the distributions are entered in a book kept for that purpose, by Mr. H. Smith, who states that he proposes to exclude from them in future, as much as possible, such as are in the receipt of parochial relief, some of whom have hitherto been included in the lists. The trustees have now adopted the recommendation of the commissioners, and distribute this charity amongst poor persons of good character, living in the parish, whether belonging to it or not.

In 1825, a sum of £5 5s. was paid to a surveyor for valuing the charity estate, and a sum of £25 was allowed to Mr. John Mee, the tenant, for repairs on his farm. In January, 1828, a sum of £3 9s. 3d. was paid for planting ash trees in the hedge-rows of the estate. On the 1st of March in that year there was a balance in the bank in favour of the charity of £64 5s. 3d., £12 being then due from the tenant for part of his rent for the half year, ending at the preceding Michaelmas; but it had been agreed that the expense of sinking a well on the farm should be defrayed out of the funds of the charity, the tenant paying interest at five per cent. on the amount thereof, which was estimated at £40. The cost of the *division* and inclosure of the forest allotment, made in lieu of tithes, will also be payable out of the balance in hand. (See Commissioners' Report, pp. 479, 480, 481, 482.)

Francis Skeffington, by his will, bearing date 17th January, 1633, directed that his executors should settle £20 for the benefit of poor people of the parish of St. Peter, so that the poor thereof might for ever, on the Thursday next before Easter, yearly, have twenty dozen of bread distributed among them.

The statement of this bequest is taken from a recital thereof in a deed, bearing date 1st October, 1634, made between William Skeffington, of the one part, and Richard Parker, Robert Sherwin, and William Nix, alderman of Nottingham; George Coates, rector of St. Peter's; Richard Hardmeate, and Walter Edge, of the other part; whereby the said William Skeffington granted to the said parties of the second part, and their heirs, a yearly rent charge of 20s. out of a messuage belonging to him, situate in Bridlesmithgate, Nottingham, being the corner house of the east side and north end of the said street, for the use of the poor of the parish of St. Peter, according to the intent of the said will, with a power for the surviving trustees, from time to time, when their number should be reduced to three, to grant the said rent charge to other persons of the said parish, to make up the number of six, for the use aforesaid.

In respect of this charity, an annual sum of £1 is received by the churchwardens of St. Peter's parish from Mr. Charles (now Richard) Sutton, as being charged on a house in Bridlesmithgate, in which he resides.

The united application of the income of this and other charities will be stated in the account of Trigge's charity. There is no distribution of bread on the Thursday before Easter, but there is such a distribution on Good-Friday, a portion of which may be considered to be made in respect of this rent charge.—(See Commissioners' Report, p. 482.)

Robert Sherwin (the son of Robert Sherwin, whose charitable donation to the poor of the three parishes of Nottingham has been noticed in a preceding part of this report), by his will, bearing date 19th June, 1660 (as appears from Deering's History of Nottingham, p. 141), gave to the parish of St. Peter 26s. a year, being 6d. a week, for six penny loaves for six poor widows, on a sermon or lecture day, in the church, to be paid by him who should have his lands, with a power to distrain for non-payment on any part of his lands in or about Nottingham. It is added by Dr. Deering, that at the time when he wrote, there was 26s. a year paid by John Sherwin, esq., all of which was distributed at once on Candlemas day.

An annual sum of £1 6s. is now paid to the churchwardens of this parish by Mr. Thomas Wheatcroft, as the agent of John Sherwin, esq., of Bramcote, who is owner of property in the town of Nottingham; but it does not appear on what particular part thereof it is charged. This annual sum, instead of being applied according to the donor's direction, in a weekly distribution of penny loaves, is given in money once in the year to six poor

widows of the parish, in sums of 4s. 4d. each. The same persons usually continue to receive the donation during their lives, and when a vacancy occurs, it is filled up by the churchwardens for the time being.—(See Commissioners' Report, p. 482.)

Anthony Ackham.—One half a moiety of £5, left by Anthony Ackham, by his will, bearing date 27th June, 1638, being a rent charge of £5 upon the manor of Asterby, in the county of Lincoln, half of it to be given to the poor of St. Mary's, and the other half equally to St. Peter's and St. Nicholas'.—(See Com. Rep. p. 415.)

In Deering's "History of Nottingham," p. 142, it is stated that William Drury, in 1676, charged two leys of land on the *Rye hills*, within the liberties of Nottingham, being the yearly rent of 35s., with the yearly payment of 20s., to be distributed in equal parts to six poor widows in the parish of St. Peter, of his heirs' own choosing, in the last week of January, and directed that, on failure thereof, 26s. 8d. should be distributed to eight poor widows of that parish, by the overseers, and the overplus of the rent of the land should be paid to the minister to see it performed.

The two leys of land on the Rye hills charged with the above mentioned yearly payment of 20s., are now the property of Mrs. Drury Lowe, of Locko, in Derbyshire, the widow of William Drury Lowe, esq., lately deceased, and are in the occupation of Mrs. Beardsley, as tenant thereof, at the yearly rent of £3.

The annuity of 20s. is divided on Candlemas day, amongst six poor widows of this parish, in equal shares of 3s. 4d. each, by Mrs. Elizabeth Grist, of Nottingham, who has for some years acted in the distribution thereof, at the request of the late Mr. Lowe and of Mrs. Lowe.

Both the late and the present owner of the land on the Rye hills have voluntarily appropriated to charitable purposes the residue of the rent thereof, being £2 per annum; but the land is liable to no charge beyond the amount specified by Mr. William Drury, the donor of the annuity.—(See Commissioners' Report, p. 485.)

Thomas Trigge, by his will, bearing date 12th May, 1703, and proved at York, gave to the minister, churchwardens, and overseers of the parish of St. Peter, in Nottingham, £50, to be laid out in the purchase of lands or tenements, the profits whereof should be disposed of in bread, to be given by the said minister, churchwardens, and overseers, to poor decayed inhabitants of the said parish, at their discretion, the one moiety on Christmas day, and the other moiety on Good Friday, in the afternoon, immediately after evening prayers, yearly for ever.

By indentures of lease and release, bearing date 20th and 21st January, 1706, Thomas Oldham and others, in consideration of

£70 conveyed to Elizabeth Trigge, the widow of the said Thomas Trigge, and her heirs, a close, lying in Lenton, called Duck meadow, containing by estimation an acre and a half.

The said Elizabeth Trigge, by her will, dated 19th July, 1716, desired that what remained of the rent of the above mentioned close at Lenton, when her husband's charity was paid, might either be paid to the charity school, or paid for two poor children's learning, which her trustees thought best; and she appointed her son, Joseph Trigge, and her daughter, Grundy, executors of her will; and her son Grundy, her son Thomas Trigge, her son Matthew Trigge, and her son William, trustees.

By indentures of lease and release, bearing date 16th and 17th March, 1743 (the release being enrolled in Chancery), between Elton Lovett and Elizabeth his wife, granddaughter and heiress of the said Elizabeth Trigge and Thomas Trigge, sen., eldest son of the said Elizabeth Trigge, by her said husband, Thomas Trigge, deceased, and Thomas Trigge, jun., eldest son and heir-apparent of the said Thomas Trigge, sen., of the first part; W. Trigge, one of the surviving trustees of the will of the said Elizabeth Trigge, and Elizabeth Grundy, the surviving executrix of the will of the said Elizabeth Trigge, of the second part; and John Hornbuckle, esq., mayor of Nottingham, and Abel Smith, of Nottingham, banker, of the third part, reciting the above mentioned bequest of Thomas Trigge, deceased, of £50, and reciting that the said Elizabeth Trigge, after the death of her husband, laid out the said £50 and £20 more, in the purchase of the above mentioned close, at Lenton, called Duck meadow, and reciting that although no mention was made in the conveyance thereof of the parish of St. Peter, it appeared that she designed it for the poor thereof; for that she, by her will, did desire that what should remain of the said close, when her husband's charity was paid, might be paid as her trustees thought best; and reciting that after the death of the said Elizabeth Trigge, her said son Thomas Trigge, the elder, entered on the said close, and had to that time received the rents and profits thereof; and reciting that it was agreed by all the representatives of the said Elizabeth Trigge, that the said close should be conveyed to the said John Hornbuckle and Abel Smith, trustees nominated by the parishioners of St. Peter, at a vestry, and their heirs, in trust for the poor of the said parish, according to the intent of the will of the said Thomas Trigge, deceased; it was therefore witnessed that the said Elton and Elizabeth Lovett, Thomas Trigge the elder, and Thomas Trigge the younger, and in consideration of £5 5s. paid to the said Thomas Trigge the elder, being a debt due to him from the said parish, conveyed to the said John Hornbuckle

and Abel Smith, and their heirs, the said close, called Duck meadow, in trust, to permit the minister, churchwardens, and overseers of the said parish of St. Peter to receive the rents and profits of the said close for the use of the poor of the said parish, and to lay out 50s. thereof yearly in bread, to be by them distributed amongst such poor decayed inhabitants of the said parish, as they in their discretion should think fit, half on Christmas day, and half on Good Friday, after evening prayers, pursuant to the will of the said Thomas Trigge, deceased; and to lay out the remainder of the clear money, arising by the rent of the said close, amongst such poor decayed inhabitants of the said parish of St. Peter, as they should think fit.

The last abstracted deed, so far as it relates to such part of the rent of the Duck meadow as may be considered to have been derived from the sum of £20 laid out in the purchase thereof by Elizabeth Trigge, in addition to that of £50 given by her husband, appears to have been framed on the assumption that a general power was given by her will to her trustees, to apply that part of the rent to such charitable purpose as they might think best; this, however, seems to have been an erroneous construction of her will, as she only gave them authority to pay the surplus rent either to the charity school, or for two poor children's learning, as they might think best.

It has been suggested that a part of the rent of the close ought now to be applied for the education of poor children, instead of the whole of it being bestowed on the poor; but as no mention was made in Mrs. Trigge's will either of the parish of St. Peter or even of the town of Nottingham, as being intended by her to have the benefit of her charity, and as the deed of 1743 was made with the consent of all her representatives then living, we apprehend that the mode of application directed by that deed ought to be adhered to.

No appointment of trustees of this charity has taken place since 1743; but the rent of the Duck meadow appears to have been always received by the churchwardens for the time being.

The Duck meadow, in the parish of Lenton, is now in the occupation of John Hollingsworth, as yearly tenant, at a fair rent of £10 per annum, subject to a deduction of 12s. for land tax.

This rent is, together with the income arising from other charities, and the sums collected at the celebration of the sacrament, carried to an account distinct from the general churchwardens' account.

The charities of which the income is carried to this account, are as follow :—

	£	s.	d.
Ackham's charity, portion appropriated to this parish	1	5	0
Manner's charity ditto .....	1	5	0
Sherwin, sen.'s charity, ditto .....	7	10	0
Robinson's charity, ditto .....	1	10	0
Skeffington's charity, ditto .....	1	0	0
Sherwin, jun.'s charity, ditto .....	1	6	0
Trigge's charity, after deducting land tax .....	9	8	0

£23 4 0

In respect of Sherwin, sen.'s charity, distributions are made at the church on Christmas day and Good Friday, in small sums, amongst poor persons of the church of the parish, which have usually amounted to rather more than £5 per annum, the portion of the rent of the Bell Inn, applicable to this parish. In the years ending at Easter, 1826, and Easter, 1827, the sums thus given were as follow:—At Christmas, 1825, £2 8s.; Good Friday, 1826, £3 15s.; Christmas, 1826, £2 15s.; and Good Friday, 1827, £2 10s.

The annual sum of £1 6s. received in respect of Sherwin, jun.'s charity, is divided (as has been already stated) in equal shares amongst six poor widows. The income of the residue of the charities is considered applicable to distributions of bread; eighteen twopenny loaves are given at the church every Sunday, and on Christmas day and Good Friday twenty-four half-quartern loaves are furnished by each of the bakers residing in the parish, being nine in number, and distributed to the poor. The total amount of the bills for the bread thus given, was, for the year ending at Easter, 1826, £14 11s., and for the year ending at Easter, 1827, £14 2s.

In February, 1825, it was found that, in consequence of the annual balances undisposed of on the united accounts of the charities, and the collections at the sacrament having been carried to the general churchwardens' accounts, there was due from the latter to the former a sum of £60 10s. 6d., and that sum was paid by the churchwardens to the Rev. R. W. Almond, the rector of St. Peter's, and deposited by him in the bank of Messrs. Smith for charitable purposes, in the names of the rector and churchwardens. But as the sums distributed to the poor appear to have been fully equal to the income of the permanent charities, the above mentioned balance may be considered as arising from the collections at the sacrament, and therefore not within the scope of our inquiry.—(See Commissioners' Report, p. 483, 484, 485.)

1703. 14th October, William Robinson left £1 10s. to the rector



of the parish of St. Peter, by him to be distributed to the poor in bread. <sup>(a)</sup>

1638. September 28th, Robert Sherwin, by his will, proved at York, gave half of a messuage or tenement, called the Bell, in Nottingham, situate in Angel-row, after the decease of his daughter, Ann Sherwin, to the poor of the parishes of Nottingham, to be distributed in bread. The sum of £7 10s. each is now received for the poor by the overseers and churchwardens of the three parishes. <sup>(b)</sup>

1711. February, Thomas Saunderson left by his will £4 18s. 3d. annually, to the poor of St. Peter's. <sup>(c)</sup>

1760. October 29th.—Mary Holden's charity at this time yields £3 annually to the poor of St. Peter's not receiving parochial relief. <sup>(d)</sup>

The following is a summary of the various charities belonging to St. Peter's, extracted from the Commissioners' Report, 1828:—

	£	s.	d.
1.—1598. Manner's charity .....	1	5	0
2.—1630. Jackson's do. ....	63	11	6
3.—1633. Skeffington's do. ....	1	0	0
4.—1638. Sherwin's do. ....	7	10	0
5.—1638. Ackham's do. ....	1	5	0
6.—1660. Sherwin, jun. do. ....	1	6	0
7.—1676. Drury's do. ....	3	0	0
8.—1703. Trigge's do. ....	9	8	0
9.—1703. Robinson's do. ....	1	10	0
10.—1711. Saunderson's do. ....	11	0	0 <sup>(e)</sup>
11.—1760. Holden's do. ....	3	0	0

£103 15 6

The following are benefactions for particular persons, the minister for the time being, &c. for the performance of special services in the parish:—

1st. 1730. Jonathan Paramour, gent., purchased an acre of land in Nottingham upper meadows, and settled it upon the rector for the time being, and his successors, for preaching two sermons; the one upon Ash Wednesday, the other upon Ascension day, for ever.—(From the table of benefactions in St. Peter's church.)

2nd. 1732. John Barker, of Nottingham, left £50. to buy land, or to be put out upon good security, (the deeds to be made to the rector and churchwardens) the produce thereof to be applied, once

(a) See Commissioners' Report, p. 456.

(b) Ibid. p. 451.

(c) Ibid. p. 457.

(d) Ibid. p. 460.

(e) Augmented to this sum.

in two years to the putting out a boy of this parish, an apprentice.—(Idem.)

1544. Margery Doubleday, who had accumulated a considerable property, by the thriftless employment of washing clothes for hire, by her will, dated 20th June, left the rent of a close, which abutted upon the south side of Broad Marsh (and let at that time for 20s. a year), to the sexton of the parish of St. Peter, on condition of his ringing the seventh bell, every morning (except Sundays) at four o'clock, to arouse the washerwomen of the town to their labour. This bell is now rung at six, instead of four o'clock; no person being found willing to rise at that early hour, all the year through, for so small a remuneration as £1. per annum.

We think from the wording of Margery Doubleday's will, which is not a rent charge of £1. per year (to be paid out of the rent of the above close) but the rent of the close, which, in 1544, was let for 20s.,<sup>(a)</sup> and that therefore any increase in the rent, arising from the successive augmentations in the value of property, was as clearly the right of the sexton for ringing this bell, as the £1. was in the sixteenth century. It is much to be regretted that this bequest is not to be found in the report of the commissioners. Dr. Deering remarks, "This close is in the possession of the corporation, and did let, in Mr. Town's time, for £4. per annum."<sup>(b)</sup> It would be vain for us to conjecture how this property came into the possession of the corporation, but such is the fact. The land is let on building leases, the proceeds of which are applied to the borough fund.

The above named Margery Doubleday, also left to the use of the guild of St. George, in St. Peter's church, a close at the wood side<sup>(c)</sup> of 26s. 8d. by the year, to help to uphold a priest to sing for her husband's soul, and her's, and a dirge and a mass to be sung once in the year to the priest and clerks. This will bears date 20th June, 1544.

In addition to the above, there is £1 10s. every five years from Willowby's charity.—(See Commissioners' Report, p. 449.)

It is worthy of remark, that with a change of diet and manner of employment during the lapse of many centuries, there has also been a change of diseases, with which mankind are now commonly afflicted, as compared with those of former ages. We shall confine our observations to one or two examples. First, "*Undershot head*," or "*Horse shoe head*," as it was more commonly called, was

(a) See Dr. Deering, p. 144; Blackner, p. 94.

(b) Deering, *ibid.*

(c) This close is next but one to the Trough close, on the north side.

a disease, that chiefly affected the head, causing an enlargement of it, and the skull to open in shape of a *horse shoe*, attended with a depression of the upper part of the head, at the opening, in front. This disease which was *incurable*, was attended with the most intolerable paroxysms of pain, and sometimes madness, which, in a few days, terminated the life of the sufferer; is frequently mentioned in our old records, but scarcely ever met with in modern practice. Second, leprosy, which was a disease prevalent in very remote periods, over the whole of Europe, in which, according to Matthew of Paris, there were not fewer than 9,000 hospitals, for the reception alone of patients afflicted with this loathsome disease. There was a lepers' hospital in Nottingham; the site on which it stood was outside the wall on the south-west end of Narrow Marsh, where Mr. Julian's shop now is. It was a building of considerable magnitude, and dedicated to St. Leonard. The precise period it was first erected we have not any means now of ascertaining: the excessive use of salt meats, and particularly of bacon, with few vegetables of any sort, used by the Saxons, is a kind of diet, that tends to generate cutaneous diseases, as is proved to a fearful extent, in the persons of our hardy seamen, who are often afflicted with a malignant scurvy (a sort of insipient leprosy), after long voyages at sea.

It is not unlikely that the lepers' hospital, might have been erected in this town by the Saxons. The sneer which Mr. Blackner bestows on the Hebrews (p. 134) as being a *leprous people*, is gratuitous on his part; for the extreme cleanliness of habit and wholesomeness of food inculcated by the divine law, as well as the severe and rigorous exclusion which it imposed upon any man even *suspected* of the leprosy, rendered the cases far less frequent among them than any other people; and the disease is far less a *Hebrew* disease, than an Egyptian, Syrian, or of any other nation under heaven.

The hospital of the lepers in Nottingham, though dedicated to St. Leonard, was not a strictly religious, but benevolent establishment, and the oldest of which we have any record that has existed in this town. Here monks and friars, persons clerical and lay, all orders, all ranks, being lepers, herded together till their sufferings were terminated by death. The first mention we have of this establishment is a benevolence granted to them of dead wood out of the forest, which being called a "*reasonable estrover*," seems to imply that the lepers were allowed to fetch as much at all times out of the forest, as they needed for fuel, without any charge. This grant is dated 10th of Henry III., 1226. There is mention of another grant of *half an acre* of land to this hospital, out of the

kings' domains within the court of Nottingham; in the hermitage, which was called Owswell, dated 31st Edward III., 1357.

## CHAPTER XV.

1259. This year commences the list of the rectors of St. Nicholas. The first is Will Bishop. As this was the 44th of Henry III., and long before *surnames* became general, we are compelled to admit that William was the name of this minister, and Bishop the *office* he sustained: not that we are anxious to make St. Nicholas' church a *bishop's see*; but we confess ourselves unable to put any other construction upon it. In early times every church had a resident spiritual overseer, or bishop; and in later periods, after the establishment of diocesan episcopacy, it was by no means uncommon for them to appoint suffragan bishops, as was the case with the vicar of St. Mary's, who was created a *bishop* in the time of Henry VIII. While the castle retained its grandeur and magnificence, was frequently the scene of royal pomp, and until it was dismantled and broken down by Henry VII., there is probability that St. Nicholas' church was, in many respects, honoured by the Norman kings and governors above either of the other two. Did our limits admit, we think it is in our power to illustrate this interesting subject more fully, and certainly it needs it; for of all local historians, surely none have betrayed such a paucity of information, or bestowed so little labour in investigating the history of their sacred edifices, as have the historians of Nottingham.

The first church of St. Nicholas was unquestionably destroyed by fire in 1140, and after having lain in ruins for fifteen years, was raised from its ashes to perhaps more than its pristine grandeur, by the princely munificence of Henry II. Every authority on this subject admits that St. Nicholas' church, before its destruction in the civil wars, was not that contracted, plain, neat building, we now see; but was large, splendid, highly ornamented, and that a lofty elegant spire rose above its beautiful tower, in which there was a peal of bells. Every admirer of works of art, as well as every lover of ecclesiastical architecture, must regret the low ebb to which the fine arts in this country must have sunk at this time, so that neither painting, nor engraving, has perpetuated the ancient form of this noble pile, or of the Anglo-Norman castle.

The few and scattered materials the utmost industry can now gather, by which the faintest and most imperfect ideas may be formed of that once venerable pile, must be sought for in an age,

and at a time when Britons warred with Britons, and brother imbrued his hands in his brother's blood; when such deeds were done that ages must deplore; and at whose mention, pale recollection weeps.

The spire of the church of St. Nicholas is expressly mentioned by Mrs. Hutchinson, in her memoirs of the colonel, her husband, (when, during the civil wars, he was governor of the castle, which office he had assumed at the earnest entreaty of the inhabitants of the town), she says, "Midway between the old tower, which stands on the top of all the rock, and its base, is a small projecting piece of rock, on which a *dove cot* had been built; but the governor took down the roof, and made it a platform for two or three pieces of ordnance, which commanded some streets and all the meadows better than the higher towers. (p. 49.) After Alderman Toplady, who had the watch, had privately by night admitted into the town sir Richard Biron, and some troops of the royalists under his command, the church of St. Nicholas was one of the places into which, unfortunately, they entered, and fought from its tower and spire against the garrison in the castle. As soon as the governor had despatched messengers by a private sally-port to Leicester and Derby for help, he went up to the towers, and from thence played his ordnance into the town, which seldom failed of execution upon the enemy; but there was an old church, called St. Nicholas', whose steeple so commanded the platform, that the men could not play the ordnance without woolpacks before them. From this church the bullets played so thick into the outward castle yard, that they could not pass from one gate to the other, nor relieve the guards, but with very great hazard; and one weak old man was shot the first day, who, for want of a surgeon, bled to death before they could carry him up to the governor's wife, who supplied the want as well as she could. The third day major Cartwright sent a letter, desiring the governor, or his brother, to come and meet him in St. Nicholas' church, and promised them safe passage and return; but the governor read the letter to his soldiers, and then commanded a *red* flag to be set upon the tower, to bid them defiance; and shot three pieces of cannon at the steeple, in answer to the desired parley."

From hence we may date the commencement of the destruction of this once stately pile, which was completed in a few days after; for the governor having chased the royalists out of the town, by the advice of the town committee, ordered the church to be taken down, lest, by being again similarly occupied, it should be the cause of the effusion of blood. Dr. Deering must have drawn a little on his inventive genius, when he says (p. 42), "The bells were, by order

of colonel Hutchinson (who was then governor of the castle of Nottingham), removed to Owthorpe;" for that church has never had more than *one* bell; besides his own house there, the village of Owthorpe, and all the country around, were at that time, and long afterwards, in the hands of the king's party. Mr. Blackner says (p. 97), "Several pieces of bells were found some years ago, by a person digging near the foundation of the present tower; and it is probable the whole of the bells were broken by shot from the castle." As from this time we hear no more of the bells of St. Nicholas' church, we think that, as the governor had so *few* guns in the garrison, he was compelled to have the number increased, and erected a foundry in the town for that purpose: such being the fact, it scarcely admits of a doubt that these bells would be melted down, and cast into pieces of ordnance for its defence.

The old church of St. Nicholas was pulled down in 1647, and the parishes of St. Peter and St. Nicholas united under one minister; in this state they continued till the 11th of Charles II., 1671, in which year the present sacred edifice (the third church on this site) was begun to be erected, and finished in seven years, 1678. It is built of brick, with stone ornaments; it is much smaller than the old church was, but has undergone several alterations and improvements since its erection. In 1756 the south side of the church was taken down and extended; this enlargement was made by *voluntary* contribution, during the incumbency of the Rev. George Wakefield, M.A. This gentleman was presented with the freedom of the town on his induction into the living; but being of liberal principles, he voted contrary to the wishes of the corporation (which was then on the other side), on account of which they withheld from him a share of £60, which they gave annually among the ministers of the three parishes; but restored it to him three years afterwards. In 1783, a second enlargement was determined on; the Rev. Chas. Wylde, D.D. was rector, and £500 were voluntarily advanced by subscription, for the purpose of repairing and enlarging the north side, which was completed in the following year. The church has since been paved, and ornamented with a handsome pulpit and reading desk, and also with a new gallery on the north side. The organ was erected in 1811. On each side of the communion table is an elegant painting, representing "The good Samaritan" and "The Prodigal Son."

The walls are decorated with many neat monumental tablets, but the most remarkable is a very handsome one in the south-west end of the cross aisle, against the wall, to the memory of John Collin, esq., and several of his children; the descendants of Lawrence Collin, gunner to colonel Hutchinson. He was a "woolcomber"

by trade, and after the conclusion of the civil wars obtained an order of the Lord Protector Cromwell to settle here and follow his business; but the corporation objected on account of his not being a *freeman* of the town; but happily for Nottingham, many of whose poor and aged inhabitants for generations have been benefited, and will be so to the end of time, by this family, the Protector enforced his authority, the corporation yielded to the order, and Lawrence Collin became a resident in the town. The house where this gentleman resided is situated in Castle-gate, on the north side near the top, (and is now occupied by Mr. Harrison, lace agent); on the south side, and directly opposite to his residence, was his garden, &c., and the house in which Miss Joynes now keeps a seminary, and other buildings adjacent to it, are thought to have been erected by Mr. Collin for the purpose of carrying on his lucrative business. On the tablet are—

“Vert. a griffin sergreant or. On a Chief indented Arg two crosses forme z Gul. Collin. impaling; Paly of six Or. and gules a Bendarg. Langford, on a wreath of the colours, a talbot's head.

“Near this place lies the body of John Collin, esq., who departed this life June 18, 1717, in the 45th year of his age. He married Mary, daughter of George Langford, esq. and Judith his wife, by whom he had issue six sons and four daughters, Langford, Abel, Thomas, John, Samuel, and George; Anne, Mary, Judith, and Anne. Anne, Samuel, and George died in their infancy, Abel Collin died August 8th, 1730, Judith Collin died Feb. 7th, 1730-1. His widow, in memory of him and his deceased children, has placed this.”

Near this monument, on the ground, are three grave-stones laid close together. On the first is this inscription:—“Here lieth the body of Abel Collin, who departed this life the 2nd day of April, A.D. 1705.” And also, “Here lieth the body of Thomas Collin, alderman, who departed this life the 18th day of January, in the 61st year of his age, A.D. 1706-7.” On the second—“Here lieth the body of Lawrence Collin, who departed this life the 9th day of August, in the 91st year of his age, A.D. 1704.” The third covers the last named gentleman's wife.

On a monument of marble against the wall on the right hand of the communion table; are—

Sab. between a Cheron 3 doves or.

“Near this place lies the body of Elizabeth Alsop, who died June 2nd, A.D. 1731. ‘Blessed are the dead who die in the Lord, for they rest from their labours, and their works follow them.’”

Another monument records Lucy Gage, wife of John Gage,

esq., who departed this life in 1739, and the Rev. John Gage, rector of Colwick and West Bridgeford, who died in 1770.

At the west end of the north aisle, a handsome marble contains the following inscription :—"Near this place lieth the body of Lemuel Lowe, who died the 30th June, 1770, aged 80 years. Also Mary, his widow, who died 13th January, 1775, aged 77. Likewise William Lowe, their son, who died 25th July, 1788, aged 64. Also Anne, his wife, who died 7th December, 1781, aged 41."

There are many vaults in this church, among which are two, near to the last mentioned place, containing the ashes of two Nottingham families of considerable repute, viz., the Huishes and the Davisons. The grandfather of the present branches of the Huish family was a woolcomber; with care and industry in the business of a hosier he laid the foundation of ample fortunes for his posterity. The other family has been less fortunate. Robert and John, the two sons of Doctor Davison, will long be remembered as active tradesmen, and distinguished patriots; John also being a vigilant magistrate of the town; but some unfortunate circumstances having shattered his affairs he became reduced, and the *goodness of his heart* completed his ruin; for having given security to a very large amount for the faithfulness of a young man as a clerk in the Bank of England, who betrayed his trust and escaped the halter by a kind of miracle; he was obliged to pay the forfeited sum, which brought on an insolvency, and he died in 1804, in the prime of life, of a broken heart. Mr. Robert Davison was equally unfortunate, though one of the most accomplished tradesmen of his time. He quitted the hosiery business, and commenced worsted *spinning*, at Arnold, on a very extensive scale, in conjunction with Mr. John Hawksley, but the concern proved unprosperous, and he expired of an apoplexy, 1807, leaving his affairs in a state of insolvency.

At the east end of this aisle is an elegant marble monument to the memory of Francis Hawksley, who died August 30th, 1749, aged 82; Elizabeth, his wife, who died December 15th, 1756, aged 88; and Francis, their son, who died Sept. 14th, 1781; also, in memory of Thomas Hawksley, who died Jan. 4th, 1782, aged 49; Elizabeth, his wife, who died Sept. 9, 1807, aged 75; and also, their son Thomas, who died Oct. 3, 1802, aged 49. The last named gentleman was equally famed as a chemist, a patriot, and a philanthropist in this town.

There are four hatchments in this church—one to the memory of a Mr. Newdigate, who resided in a house at the top of the north side of Castle-gate, known for years by the name of *Newdigate-*



house; (a) another to the memory of the first sir George Smith, bart., who built the mansion now called "*Bromley-house*," on Angel-row; and the third that of Cornelius Launder, esq., late of this town; and the fourth in remembrance of a Mr. Cooper, of the Thurgaton family.

On the east side of the church yard, is a small mural monument to the memory of William John Gill, son of the Rev. Joseph Gill, vicar of Scraptoft in Leicestershire, who was apprentice to Mr. Attenburrow, surgeon, and who, at the age of 19, on the 19th August, 1802, was drowned in the Trent, while in the act of bathing, between the "boat house," and the bridge. He was much admired for the suavity of his manners, and was much lamented by the faculty for the precocity of his genius. The following pathetic lines are engraved on the monument:—

" Ah, why in speechless, hopeless anguish, bend  
O'er his loved grave, the parent, sister, friend?  
Why mourn, when honour, goodness, mildness, truth,  
Ennobled and adorned his blameless youth?  
Why mourn, when firm in virtue's path he trod?  
That virtue which endeared him to his God.  
He saw, approved, made soft the mortal blow,  
And snatch'd him, guiltless, from a world of woe." (b)

Adjoining the south-east side of the church yard is an additional burying-ground, taken in 1790.

Though the church is confessedly inferior to either St. Mary's or St. Peter's, whoever examines it will be charmed at beholding, in this erection, an example of the purest and the most classical taste, in which is embodied a decorative simplicity of style, which, in the absence of all ostentation, produces an effect of grandeur rarely equalled in any public building, and perhaps never surpassed. In this church there is but one bell (independent of the sermon bell), which was cast 1726, bearing this inscription:—

(a) This house was the residence of Marshal count Tallard, during his captivity in this country, as prisoner of war, after he had been taken by the duke of Marlborough, at the battle of Blenheim, which was fought on the 2d of August, 1704. The count is said to have been a man of an exalted and ingenious mind, unwearied industry, and liberal hospitality; he won for himself the esteem and respect of all classes in this town, whither he was sent on his parole of honour, with several other illustrious prisoners; amongst whom were the marquis de Montperroux, general of horse; compt de Blanzac, lieutenant-general; marquis de Hautefeuille, general of dragoons; marquis de Velsame, marquis de Sepperville, marquis de Silly, chevalier de Crovsey, marquis de Valliere, major-generals; mons. de St. Second, brigadier; marquis de Vassey, colonel of dragoons; and compt de Horne. In the grounds attached to the house the count formed a garden, which, for its size, was confessedly the most beautiful of any in England. He was the first who introduced the cultivation of *celery*, and taught the bakers of this town how to make *French rolls*.

(b) This is more than can be said of any mortal.—(See Romans, iii. 10.)

" Abson, Rector. God save his Church.  
Nevill and Scattergood, Wardens.  
1726."

The churchyard is very commodious and extensive; the south side commands a beautiful prospect of the Meadows, Ruddington hills, and the vales of Trent and Belvoir, as far as the castle, distant nearly twenty miles.

The living is a rectory; it originally belonged to William de Peverel, who gave it and the livings of the other two churches to the prior of Lenton, at which time it was valued at 10 marks; now in the king's book it is set down at £2 16s. 6d. The sovereign is the patron, but virtually it is at the disposal of the lord chancellor.

It appears the Rev. Reynaldus Marshall, catholic priest, was rector here at the time of the reformation, 1525; and conformed to the protestant faith, in which he died 28 years afterwards, and was succeeded by the Rev. Alex. Penhill, 1531, who held the appointment only two years, and was succeeded, 1533, by the rev. Thos. Ward, who held the living for the next 52 years, and must have been a remarkable character, and certainly no zealot; for, for the first 21 years, that is during the latter part of the reign of Henry VIII., and the whole of the reign of Edward VI., he officiated as a *protestant minister*; but on the accession of queen Mary, 1553, he renounced the heresy of protestantism, swore subjection to the holy church of Rome, and became a *catholic priest*, for the next six years; on the death of queen Mary, and the accession of queen Elizabeth, he again renounced the errors of popery, and swore obedience to the queen, as the rightful and supreme head of the English church, and died a protestant minister in the 27th of her reign, 1582.

The old church lay in ruins, when the *second reformation* took place, by the passing of the act of *uniformity*, 14th Charles II. 1662, and 2,000 ministers were ejected from their churches. This act came into operation, 24th August, 1662, which, so far as the interests of the *church*, and religion were concerned, may well be called "the *fatal* St. Bartholomew's day."

The present incumbent is the Rev. W. J. Butler, M.A., Castle-gate, 1825.

Churchwardens—Mr. J. Dams, 1834, Friar-lane, and Mr. R. Sands, 1838, Hounds-gate.

Organist—Mr. W. Richardson.

Clerk—Mr. W. Archer, Castle-terrace, 1822.

Sexton—Mr. Allen, Brewhouse-yard, 1832.

Overseers—Mr. Isaiah Danks, Beast-market-hill; Mr. Alex. Lacey, Angel-row.

Board for the repair of highways—Messrs. John Ward, Robert Sands, Isaiah Danks, J. Dams, Leavers, Nuthall, W. Page, and J. C. Burton. Collector—W. Martin, St. Peter's Church-side.

## CHAPTER XVI.

The following list and description of charities belonging to this parish, are extracted from the report of the government commissioners appointed to inquire into charities, who sat in Nottingham, in 1828, the oldest of which is—1598. 30th June, Roger Manners left to be distributed among the poor, infirm, and impotent persons, half of a moiety of a rent-charge of £5, out of land, situated in Wilford, £1 5s. <sup>(a)</sup> 1613. Dec. 27th, William Gregory's charity, Boy-croft, <sup>(b)</sup> 13s. 4d. 1638. 27th June, Anthony Ackham, by his will, left half of a moiety of £5, being a rent-charge, annually, upon the manor of Asterby, in the county of Lincoln, to be given to the poor of this parish in bread, £1 5s. <sup>(c)</sup>

1638. 28th Sept. Robert Sherwin, by his will, left half the rent (being his share) of the Bell Inn, in Angel-row, to the poor of the three parishes of Nottingham; one fourth of this moiety is paid annually to the churchwardens of St. Nicholas, which, at the time of the commission in 1828, amounted to £7 10. <sup>(d)</sup>

1689. June 29th Henry Martin, by his will, left 20s. per annum, being a rent-charge, for ever, out of a messuage in St. James's-lane, in the occupation of widow Wells and Charles Thorpe, into the hands of the mayor for the time being, to be by him, or his order, employed in putting forth a poor child of this parish, apprentice; this portion being insufficient for this purpose, is carried to the general account of the overseers of this parish, from which premiums are annually paid for this purpose to a much larger amount. <sup>(e)</sup>

1697. Sept. 6th, Elizabeth Bilby's charity—In an entry in a hall book of the corporation of Nottingham, dated Sept. 6th, 1697, it is stated that Mr. Jacob Tibson, on that day paid into the chamberlain's hands £5, which, with £15 received on the last hall day from Mr. Daniel Tibson, made up £20, which sum was given to the corporation for the use of 20 poor widows of St. Nicholas' parish, to be paid by 20s. yearly to the overseers of the said parish, and to be by them distributed, for the use aforesaid; and it was thereupon

(a) See Commissioners' Report, p. 415.

(d) Ibid. p. 452.

(b) Ibid. p. 412.

(e) Ibid. p. 419.

(c) Ibid. p. 415.

ordered that this sum should be entered in the chamberlain's book, as an annual charge on them to pay the same to the said overseers.

In the chamberlain's yearly rentals, a sum of £1 is entered as payable to 30 poor men and women of St. Nicholas' parish, being a charity given by Mrs. Elizabeth Bilby, formerly Tibson, which was the interest of £20 paid to the corporation, and in a memorandum, in a vestry-book of this parish, it is stated, that of this yearly sum 20s. was to be paid at Christmas, and 10s. at May-day, according to Mrs. Bilby's will.

In respect of this charity, an annual sum of 20s. is now paid by the chamberlain for the time being, to the churchwardens of the parish of St. Nicholas. Its application will be stated in the account of Walker's charity. (a)

1703. Oct. 14th, William Robinson, by his will, left £1 10s. annually to be given in bread to the poor of this parish for ever. (b)

1711. Feb. 2nd, Thomas Saunderson left the rent arising from two houses in Pilcher-gate, in the parish of St. Mary, to be disposed of as follows:—40s. yearly to the Blue Coat charity school, and the remainder to be distributed amongst poor housekeepers in the three parishes; one half, to the poor housekeepers of St. Mary, and the other half, equally, to the parishes of St. Peter, and St. Nicholas. This property was valued at the time of the commission, at £46; Mr. Cheetham's at £26; and Mr. Johnson's at £20; which, after deducting £2 for the school, leaves £44; share due to St. Nicholas' £11. (c)

1705. Robert Gray, who is stated in Deering's History of Nottingham, to have died in 1705, by his will (as appears from an entry in a vestry-book of the parish of St. Nicholas), gave to the poor of this parish £20, to be put out at interest by the rector and churchwardens, with the approbation of Mr. John Smith and Mr. Roger Jackson, during their lives.

It appears from other entries in the same book, that in 1711 it was agreed by a parish meeting, that the legacy of £20 left by Dr. Gray, should be put in the million and half lottery; that this was accordingly done by the rector and churchwardens, and that the sum of £20 was thereby improved to £24 10s., which was, by the contributions of good people, about the year 1716, made up to £30, and that that sum was put out at interest at 5 per cent, and the produce given according to the donor's directions; until the year 1727 the principal sum of £30 was lent towards erecting a workhouse in this parish, and that in 1731, 1732, and 1733, orders were made

(a) See Commissioners' Report, p. 475.

(b) Ibid. p. 456.

(c) Ibid. pp. 456, 457.

by the vestry for continuing the principal sum of £30 in the hands of the parish, and for the payment of 30s. as the interest thereof, by the overseers, to the rector and churchwardens.

It appears from a book containing an account of the disposal of the charities of this parish, commencing in 1785, that in that year £2 was paid by the overseers to the churchwardens, as the interest of £40, and distributed to the poor, and that the same payment and distribution was continued until 1804, when it ceased.

In the vestry book there is a memorandum, stating that in 1805 Mr. James, late overseer of the poor, paid at the meeting to Thos. Timms, churchwarden, £40, with £2 the interest due thereon, being an old debt due from the overseers of the poor to the churchwardens, and in Mr. Timms' account with the parish as churchwarden, audited in February, 1807, he gave credit for a sum of £42 received from the overseers.

It will be seen from a subsequent part of this report, that Mr. Jacob Tibson, in 1735, gave a sum of £10 to the rector and churchwardens of this parish, the interest thereof to be distributed to the poor. A note is annexed to the page in the vestry-book, in which the particulars of Mr. Tibson's donations are entered, dated 5th Dec. 1735, and signed by James Clayton and Joseph Wood, overseers of the poor, whereby they acknowledged that they had received of the Rev. Mr. Alson, by direction of the trustees of the workhouse, £10, given for the use of the poor of this parish in April then last, by Mr. Tibson, with intent to pay interest for the same for the use of the poor.

We are therefore led to suppose that the sum of £40, on which interest was paid and distributed previously to 1805, and which principal sum was in that year paid by the overseers to the churchwardens, as being "an old debt," was composed of the sums of £30 arising from Dr. Gray's benefaction, and £10 part of Mr. Tibson's benefaction; and if this conjecture be correct, we apprehend that £2, as the annual interest of that sum of £40, ought to be paid by the churchwardens for the time being, and distributed to the poor, or that the principal sum ought to be invested on some good security, and the interest disposed of.

There is a doubt, however, whether Dr. Gray's £30 did form a part of the above mentioned sum of £40, for it appears from the will of John Wylde, of Kensington Gore, in the county of Middlesex, bearing date 21st May, 1793, and proved in the prerogative court of Canterbury in the following year, that he thereby gave £50 consolidated three per cents. to the churchwardens of the parish of St. Nicholas, Nottingham, in trust, to pay a bond, signed by Thomas Offer and John Wylde, about 25 years before the date

of his will, "for £30 of Dr. Gray's money;" and it appears from an entry in the book of the charities, that in 1817 a sum of £15, "being ten years' dividends on £50 consolidated three per cents. under Mr. Wylde's will, from 1807 to 1817," was received by the churchwardens, and distributed to the poor shortly afterwards.

This sum of £50 stock was, at the time of our investigation (February, 1828), standing in the names of William Chamberlin, Thomas Marriott, John Wild, and Samuel Hollins, and the dividends thereof, from 1817, had been given to the poor, except for the last year and a half, for which time they had not been received.

The accuracy of the statement in Mr. Wylde's will, as to the £30 therein alluded to being derived from Dr. Gray's charity, may be questionable. The whole of Dr. Gray's legacy, with the improvement, amounted only to £30, which sum was, in 1827, applied towards erecting the workhouse, and we have found no trace of any further disposal of the principal sum until 1805, when the above mentioned payment of £40 by the overseers to the churchwardens took place. But besides the sum of £10 given by Jacob Tibson in 1735, as before stated, there was a previous donation from him to the poor of this parish in 1732, of £30, which appears, from entries in the vestry book, to have been at first lent on mortgage, and to have been, in 1741, in the hands of Mr. John Nevill, on the security of his promissory note, at four per cent. interest; and as this latter sum is not otherwise accounted for, it is possible that it might have been from time to time continued on private security, and ultimately lent on the bond mentioned in Mr. Wylde's will.<sup>(a)</sup>

1714. May 15th, Anthony Walker, by his will, directed that the poor of the parish where it pleased God that he should die should have two cottage houses and six acres of land belonging to them, lying in the liberty of Matlock, commonly called the "Hall Dale," betwixt Matlock and Snitterton, one close shooting to the road, and the other lying above it and adjoining to it; and he gave to the poor of that parish, to buy bread, the sum of twelve two-penny loaves, every Sabbath day throughout the year, for ever, forth of that as it should come due, to be paid into the churchwardens' hands, who were to pay the baker £2 12s. half-yearly; the said cottage houses and six acres of land being £6 a year rent, and copyhold land, in the liberty of Matlock Court, to be taken up according to the custom of the manor, for the use of the poor.

At a court held for the manor of Matlock on 5th February, 1718, it was found by the homage that Anthony Walker died in the

(a) See Commissioners' Report, p. 476.

parish of St. Nicholas, Nottingham; and thereupon Francis Newdigate and John Else, parishioners of that parish, on the part of the poor thereof, demanded the said lands and tenements, and were admitted tenants thereof, to the use of the poor of the said parish of St. Nicholas.

At a court holden for the said manor, on 22d of October, 1799, Joseph Merry, as the son and heir-at-law of Walter Merry, who was the survivor of two trustees admitted to the said premises in 1776, surrendered the same to the use of John Burnside, John Allen, and Joseph Heath, all of the said parish of St. Nicholas, and their heirs, in trust for the poor of that parish, and they were admitted accordingly.

Two of these trustees, Messrs. John Allen and Joseph Heath, are now living.

The trust premises consist of two cottages, with yards, and three fields, one of which was an allotment made on an inclosure of lands at Matlock, the whole containing about twelve acres, in the occupation of the widow of Peter Tipping, as yearly tenant, at the rent of £13 per annum.

In 1776 the rent of this property was raised from £6 4s. to £9; in 1808 it was £18; and in 1823 it was lowered to its present amount. Since our inquiry into this charity took place, Mr. Jeremiah Dummer Rogers, one of the churchwardens of the parish of St. Nicholas, has viewed the premises, the present rent of which he considers too low, and proposes that it shall be increased to £15; he also states that the buildings are much out of repair, but that measures shall be adopted for putting them into better condition.

The rent of this estate is received by Mr. Joseph Heath, one of the trustees admitted to it in 1799, and is paid over by him to the churchwardens.<sup>(a)</sup>

1729. It is stated in an entry in the vestry book, that Jacob Tibson, by deed enrolled in chancery, gave some small tenements in Greyfriar's-gate to the rector and churchwardens of this parish, the rent of which was to be by them distributed to the better sort of poor at 5s. each; that in 1732 he gave £30 to the rector and churchwardens, to be put out at interest, and the interest to be distributed as before, 5s. to each, which was lent to Roger Radforth, on mortgage, in Mr. Abson's name, and the interest was distributed by the rector and churchwardens in every year, on Christmas eve; and that in 1735 he gave the further sum of £10, the interest to be distributed as above.

(a) See Commissioners' Report, p. 478.

There is also entered in the vestry book a memorandum, dated December 20th, 1801, and signed by the Rev. Dr. Charles Wylde, rector of St. Nicholas, John Allen and Joseph Ward, churchwardens, and John Burnside, whereby it was certified that a sum of £215 18s. 10d. consolidated three per cents., standing in their names, was purchased with £150 arising from the sale of some old tenements in Greyfriar's-gate, given in 1729 by Jacob Tibson, to the rector and churchwardens of St. Nicholas, to be by them laid out, and the rents to be applied for the relief of such orderly house-keepers of the said parish as should not receive alms, no one to receive more than 5s. each; and it was further stated that the said Mr. Tibson having made no provision for the repair of the said premises, and they having become too ruinous to be habitable, it was thought expedient to sell them to Mr. James Harriman, in 1801, for £150, which was laid out in the purchase of the above mentioned stock, the annual interest of which was to be appropriated by the rector and churchwardens to the purposes directed by the donor.

John Allen and Joseph Ward, two of the above mentioned trustees of the stock thus purchased, are now living. The dividends, amounting to £6 9s. 2d. per annum, have been, until the last two years, divided into equal moieties, one of which has been distributed to the poor by the rector, and the other has been carried to the account kept by the churchwardens for the time being, hereinafter mentioned in the account of Walker's charity. At the time of our inquiry there were two years' dividends due, which had not been received, in consequence of a new power of attorney not having been obtained, which became necessary on the death of the Rev. Dr. Wylde, the late rector.

In the account above given of Dr. Gray's charity, we have stated all the information we have been able to obtain relating to the sums of £30 and £10 given by Jacob Tibson in 1732 and 1735 respectively, of which the interest was to be applied in the same manner as the rent of the houses given by him, viz. to the better sort of poor, in sums of 5s. each.<sup>(a)</sup>

1760. October 29th, Mary Holden left half of the moiety of the interest of £400 in the four per cent. stocks, mentioned in the deed of 1768 (now reduced three per cents.), and is standing in the name of Lord Carrington, as the survivor of the Rev. Dr. Haynes and two others; the dividends of this stock amount to £12 per annum, £3 out of which are paid to the poor of this parish.<sup>(b)</sup>

(a) See Commissioners' Reports, p. 477.

(b) Ibid. p. 459.



The annual sums received by the churchwardens in respect of the several charities, of some of which the poor of this parish have the whole benefit, and of the others they partake with the poor of the parishes of St. Mary and St. Peter, are as follow:—

	£	s.	d.
Ackham's charity, portion appropriated to this parish	1	5	0
Manner's ditto, ditto .....	1	5	0
Sherwin's ditto, ditto (in future this portion will amount to £7 10s.) .....	5	0	0
Robinson's charity, ditto .....	1	10	0
Elizabeth Bilby's charity.....	1	0	0
Dividends of £50 consolidated three per cents., given by John Wylde's will, in respect either of Gray's charity, or Tibson's charity, above mentioned .....	1	10	0
One moiety of the dividends of £215 18s. 10d. consolidated three per cents., part of Tibson's charity, the other moiety of the dividends being distributed by the rector.....	3	4	7
Walker's charity .....	13	0	0
	<hr/>		
	£	27	14 7

A portion of the above mentioned fund is applied by the churchwardens in providing bread for a weekly distribution, which is made every Sunday at St. Nicholas' church, by the parish clerk, in threepenny loaves, amongst poor persons of the parish, appointed as vacancies occur, by the churchwardens. The amount of the bread thus given appears from the accounts to have varied. At the time of our inquiry the weekly amount was 5s. 6d., with the addition of 2s. worth on Christmas day, 1s. worth on Easter Sunday, and 1s. worth on Whit-Sunday, in respect of Robinson's charity. An annual sum of 5s. is allowed to the clerk for his trouble, which makes the total annual cost of the distribution of the bread, according to the above mentioned rate, £14 15s. per annum.

The charities of which the income ought, according to the directions of the donors, to be given in bread, are—Walker's, at the present time £13 per annum; Robinson's, £1 10s. per annum; and Ackham's, £1 5s. per annum; the latter being ordered to be bestowed on the last Sundays in January, March, May, July, September, and November.

An annual distribution of £2 appears to have been usually made in the month of April, at the church, amongst the poor, in small sums; and in some of the accounts it is stated to be made in respect of Sherwin's charity. According to that donor's direction

one moiety of the portion of the income of his charity applicable to this parish, ought to be distributed at Lady day, and the other moiety at Michaelmas.

The residue of the income of the charities above enumerated has been distributed by the churchwardens, in sums varying in amount, amongst poor persons of this parish. It will be observed that the annual sum of £1, derived from Elizabeth Bilby's donation, ought to be distributed among poor widows, half at Christmas, and half at May day; and that the whole of the income arising from Tibson's charity ought to be distributed amongst the better sort of poor, in sums of 5s. to each.

If the conjecture be correct, which we have mentioned in the above account of Gray's charity, as to the sum of £40 paid by the overseers of the poor to the churchwardens of this parish, we apprehend that the interest of that sum ought to be distributed to the poor, in addition to the income of the above mentioned charities.

A book is kept containing an account of the sums received and distributed in respect of the above mentioned charities; but the accounts for the year ending at Easter, 1827, were not entered therein at the time of our investigation.<sup>(a)</sup>

AGGREGATE RECEIPTS AT THE PRESENT TIME.

	£	s.	d.
1598.—Roger Manners .....	1	5	0
1613.—William Gregory .....	0	13	4
1638.—Anthony Ackham .....	1	5	0
1638.—Robert Sherwin .....	7	10	0
1689.—Henry Martin .....	1	0	0
1697.—Elizabeth Bilby .....	1	0	0
1703.—William Robinson .....	1	10	0
1705.—Robert Gray .....	1	10	0
1711.—Thomas Saunderson .....	11	0	0
1714.—Anthony Walker .....	13	0	0
1729.—Jacob Tibson .....	6	9	2
1760.—Mary Holden .....	3	0	0
	£ 49	2	6

(a) See Commissioners' Report, p. 479. In addition to the above, £1 10s. is received by the churchwardens every fifth year, from the charity of William Willoughby (3d October, 1587), to be given to honest men of occupations, or tradesmen, in sums of 5s. each, on Whit-Sunday.

## CHAPTER XVII.

There were the following religious houses in Nottingham before the reformation:—

I. The brothers of St. John of Jerusalem, who professed the rules of St. Augustine. This man, one of the most eminent fathers of the church, was born at Tagaste in Africa, A.D. 354; he was a man of learning, and a teacher of rhetoric, his father died while he was young, his mother was a pious christian, but himself was a pagan idolater, and as such remained to the end of her life, but her prayers were answered in his conversion; after her death, and from being profligate, he became a very pious man. He was elected pastor or bishop of a christian church at Hippo, and died 430, aged 76, while the Vandals were besieging the city, who, on taking it, paid the greatest respect to his library, his works, and his corpse. The works of Augustine have been frequently printed, singly and collectively, which together form 42 vols. fol.

The rules of the order of the fraternity of Knights Hospitallers, are:—

1st. They shall have nothing in property, but have all things in common, not be solicitous about what they eat, what they drink, or wherewithal they shall be clothed; none be admitted without trial; none depart or carry anything out of the monastery without the superior's leave; none maintain any points of doctrine without acquainting the superior with it; that secret faults be first reprov'd, and punished if not repented of; that in persecution they repair to their *præpositus*.

2d. The time and manner of prayer and singing, of working, reading, and refreshing; their obedience to their superior, silence and particular conduct at home and abroad, and how contumacy may be punished.

3d. They must love God above all things; maintain unity; meat, drink and clothes be distributed as need is. There must be no pride contempt, or vain glory among them. Hear the word of God read at table; be careful of the sick, infirm &c.

These are called the *Knights Hospitallers*, because their order obliged them to entertain poor pilgrims and travellers, whether sick or well; the younger part of their life was devoted to wars in Palestine, against the Saracens, called the holy crusades. At what time they obtained a foundation in Nottingham is not exactly ascertained; certainly they were here in the early part of the 13th cen-

tury, being expressly mentioned in the reign of king John. Their monastery was outside the town walls, on the site of the present "house of correction," on the east side of the old north road (Glass-house-street); this and the lands belonging to it were, after the dissolution of monasteries, granted by Edward VI. to the mayor and burgesses of Nottingham, for repairing the Trent bridge, now called the bridge estate. It was surrendered, 1539, by Thomas, the last warden, and had in it then seven friars.

II. The Minorites or Minors had a convent also outside the walls of the town, at the south-west corner of Broad-marsh, near the site of the Carrington Arms; the wall enclosed an extensive area comprehending gardens and pleasure grounds, extending along the east side of Lister-gate, south as far as the Leen, then east to a small close, which, in 1544, was the property of Dame Margery Doubleday, by whom, as we have seen, it was bequeathed to the parish of St. Peter; it is probable this field was fenced on its west side by the garden wall of the convent, which also ran south of Broad-marsh, and was joined at the north-east of Lister-gate. These friars were commonly called grey friars, from the colour of the habit they wore. They were mendicant, or *begging* friars, subsisting entirely on alms. This convent is said to have been founded by Henry III. in the year 1250. There were seven friars found at the time of its surrender to the king's commissioners, 1539, who, nine years afterward, granted it to a Thomas Henage, who had been its last warden, in 1548.

The Carmelite friars also had a convent in this town in the parish of St. Nicholas, and stood between Moot-hall-gate (Friar-lane) and St. James's-lane (St. James's-street), so called on account of an ancient Anglo-Saxon chapel, which stood near to it, as has been before noticed. The burial ground of the chapel and the close belonging to this convent, were bounded on the north by St. James's-street and Friar-lane, on the west and east by "Peverel's orchard," and "Angel-row," anciently called "Friar-row." The gardens of this convent were west of "Spaniel-row," and south of "Friar-lane," where "Collins hospital," and the Scotch Baptist chapel now stands. The habit of the Carmelite friars was a striped mantle of party colours, which they said was used by the prophet Elijah; Gregory X. forbade them any possessions or revenues, but to beg from door to door. Honrius IV., 1290, took from them their striped habit, and instead thereof gave them a white cloak and a white hood, and under their cloaks they were to wear a scapulary (or tippet) of hair colour. This pope would have them called not Carmelites, but "Brothers of the Virgin Mary;" but they were called "White friars" more commonly, and by this name they were

generally known and distinguished in Nottingham. This convent, which is still standing in the town, and in good repair, is said to have been founded by Reginald lord Gray, of Wilton, and sir John Shirley, knight, in A.D. 1276. A John Farewell was prior of this convent in 1439. It is probable there were many friars of this order here when it was in the height of its prosperity; but there were only six at the time of the dissolution of religious houses in the kingdom, and Roger Copp was prior at that time, 15th Feb., 1539, and 30th of Henry VIII. The convent, &c. was granted to James Sturley, three years afterwards, by the king.

There was another order of friars or monks in this town, as Dr. Thoroton informs us, in the reign of Henry III., who were called "Fratres St. Sepulchre"—Fraternity of St. Sepulchre, and had a college of secular priests in the castle, as likewise a cell for four monks in the chapel of St. Mary, which was dug in the rock on which the castle stands. In a small book, says Mr. Blackner, printed in 1680, entitled "Vator beneficiorum," this chapel is said to have been a rectory of £5 in the king's books; if so, it was of more value than St Nicholas' church, which was £2 1s. 8d.

The Carthusian order, to whom belonged the priory of Lenton, so called from *Chartreuse*, in the province of Dauphiny, in France, were possessed of immense wealth at the time of the dissolution. The monks of this order wore a sack-cloth, or hair shirt next their skin, a long white cloth coat loose, with a hood and black cloak over when they walked abroad. The lay brothers wore a short coat, reaching to the knees. The priory of Lenton was by far the richest of any in this part of the country, having a gross annual income of £417 10s.; net £329 15s. 10d.

The other places in this town devoted to religious purposes in early times, of which we have any particular account, were:—That on the Trent bridge (see p. 86); one at Chapel-bar (the western entrance); and it is certain there was one of a similar kind at York-gate, on the north, dedicated to St. Michael, but of its revenue we know nothing; its destruction was occasioned by a riot, as we have seen, between the inhabitants and some foreign soldiers. It is not unlikely there was a proseuch, or oratory, somewhere in the neighbourhood of Goose-gate, which is on the east side of the town. Plumtre hospital was a religious as well as benevolent establishment, having a provision of 100s. a year each, for the maintenance of two priests, as well as smaller amounts for the support of divers poor men. (Throsby, p. 74.) There was also, in the church of St. Mary, a guild or fraternity of six priests, dedicated to the Holy Trinity, and their house, which was on the High Pavement, occupied the same site as that on which the large,

elegant house of Joseph Pearson, esq. stands, and in which he resides. There was in the same church the chantry of St. Mary, the chantry of St. James, and Amyas' chantry. This Amyas was a pious and an opulent native inhabitant of this town in the early part of the 14th century, in the reign of Edward III. The family residence was on the north side of the Market-place, which still gives name to a court on the Long-row, called "Amyas-place." From this family it was transferred to a gentleman (merchant of the staple) called Allestrey, whose family became very opulent, and having obtained considerable landed estates, settled in the neighbourhood of Derby, where they continued several centuries, and gave name to a parish in which William Evans, esq. M.P. has erected a beautiful mansion, called Allestrey Hall. This part of the property of these two ancient families in Nottingham is now owned by Sherwin Sherwin, esq. There was in the church of St. Peter, the guild of St. George and the chantry of St. Mary. There was also a guild or fraternity of priests to the Blessed Virgin Mary in the church of St. Nicholas. There was a certain chapel or oratory, with a choir adjoining to it, belonging to Plumtre House, on the north side of St. Mary's church, called the chapel of All-Saints, which, 19th January, 1632, was confirmed to Henry Plumtre, esq., and to Nicholas Plumtre, gent., and Huntingdon Plumtre, M.D. (his sons), and the rest of the inhabitants of that house, to hear divine service, pray, and bury in, by Richard, then archbishop of York, under the hand and seal of Francis Withingham, M.A., surrogate of Wm. Easedale, L.L.D., vicar-general in spirituals of the said archbishop.

Edward III. was the first king after the Conquest who (in 1344) coined gold in sufficient quantity to make it current in the realm. Several rose nobles and half nobles were found among some rubbish carried from a house repaired on the "Long-row," so lately as 1782, which would seem to indicate that there had been a mint of gold coin in this town in the 14th century. Among the rest there was one rose noble found of the Duke of Burgundy and Earl of Flanders, and so nearly resembling the English noble, that it will not be necessary to give a copy of both; they are the same in size and fineness of gold, about five pennyweights each; the difference is in the legend, and a small distinction in the *arms*, which the duke holds on his arm as a shield, for in the place of the lions there are bends dexter, while the fleur-de-lis are quartered (the duke being related to the French king) in the same manner as our noble. The legend *P H S Dei Gra. Dux Burg. Comes & Dut. Fland.* The initial letters are obscure, and probably done so on purpose that they might the easier pass for our English noble. It is thought

the piece was struck by Philip, who became duke of Burgundy in 1349. The reverse is similar to our noble, with the same motto, "J. H. C. Autem Transiens. Per Medium Illorum Ibat."—That is, "Jesus passed through the midst of them, and went his way." (Luke, iv. 30.) If it should be asked, why should a foreign prince counterfeit the gold coin of England, and yet use as good gold as our own? I answer, it has mostly been a fault in this country to value gold at more silver than it was worth—it is the fault of the present day; but Edward, in his coinage, attempted to make a considerable profit, and ordered the noble to go for more silver than any nation in Europe thought it worth; hence, if they paid us for wool, &c., in coined gold, less weight would do than if they had paid in ingots; and no foreigner would pay in silver, because he could procure Flanders' rose nobles at ten per cent. cheaper than we valued them at. The people of England were so sensible of this, that they refused to give change for the king's nobles, though, by proclamations and threats, he strove to enforce the circulation; and the parliament, to protect the people, passed a law, that "None should be compelled to take the new money within the sum of twenty shillings," which at that time was nearly a pound weight of silver, and in the purchase of provisions, labour, &c., was equal to ten pounds sterling of the present money. This act of parliament has hardly been mentioned by either historians or antiquaries, and consequently never accounted for, which it is hoped will plead an excuse for us introducing it here, especially as the same fault of valuing our gold too high (though government gets nothing by it now), is the real cause of the scarcity of silver for fifty years past. The reader may find this subject more fully explained in "Remarks on the Coinage of England," printed by Mr. Tupman, Nottingham.

The quarter noble of Edward III. is more rare than the noble; but one of these was found, which had been dug up in a garden near the new burial ground in Woolpack-lane, in 1791. The legend "Edwar. D. G. Rex Ang. & Franc."—Edward, by the grace of God, king of England and France.

The coinage continued to improve through the reign of Henry VIII., and larger pieces were introduced into common circulation equal to three groats, taking the name of testoons. But in his time the silver coin was so debased, as to be more than half brass, and when the extreme inconveniency was felt, and the coin restored to its former purity by his son Edward, the testoon was ordered to go for no more than half of what it was first coined for, and hence the name of testoon, or tester, for a sixpence; and then the piece of three groats took the name of shilling, which was the weight originally of the twentieth part of a pound, or twelve pennyweights.

Though all ancient coins bear an effigy on one side, it is thought not to have been with the intention of preserving any resemblance of the sovereign whose name it bore, at least this remark applies in some cases; for, as Mr. Folkes observes, although Henry VI. became king when only nine years old, and reigned thirty-eight years, yet no difference can be observed in the impression of his face on the coin, between those minted in the early and latter part of his reign; neither was the date put on them till the time of Edward VI., 1548. Henry III. began to distinguish one king's coin from another, by placing the III. after his name, 1242; yet his successors did not adopt his improvement till Henry VII., 1504, when he coined a silver groat, bearing his head (a likeness) on one side, and the royal arms of England on the other.

Sovereigns and half-sovereigns were coined in the reign of Edward VI., bearing a youthful countenance, with this motto round it, "*Scutum Fidei proteget cum*"—The shield of faith shall preserve him; on the reverse, a garnished escutcheon with the arms of England, with this inscription, "Edward VI. D. G. Angl. Fran. & Hib. Rex"—Edward VI., by the grace of God, king of England, France, and Ireland.

From the time of Edward III. to Elizabeth, the pound sterling had been reduced to one-third of its original weight, consequently the penny was under eight grains; yet such was the attention in those times to accommodate the public with change, that there were pieces of silver current in her reign of  $\frac{1}{2}$ d.,  $\frac{2}{3}$ d., 1d., 1 $\frac{1}{2}$ d., 2d., 3d., 4d. (groat), 6d., and up to 5s., for people in those days expected to have real value in their coin, and therefore copper was not current. The quantity of silver coined in her reign exceeded four millions and a half sterling. The mill and screw were first adopted in coining during the Commonwealth. The first ever made was a crown piece, cut by the famous artist Simon, and bears the head of Oliver Cromwell, which, for the beauty and perfection of the workmanship, has never been equalled by any other artist since.

Many silver pennies of Edward III. were found while digging a drain at the south side of the town in 1785; others were found in 1789, on the forest, of Edward the Confessor, in a high state of preservation, of which there were five varieties; one of them was made in Nottingham, and was in the possession of the late Mr. Stretton, of Nottingham, 1790.



## CHAPTER XVIII.

The papal dominion in Europe gained its height about this time, from whence we may begin to trace its fall. The heavy pressure of this colossal sovereignty on the nations gradually diffused a spirit of resistance among kings and people. This opposition Philip le Bel began; and Wycliffe, nearly a century later, carried forward the great rebellion, which, after little more than another hundred years, was fought out triumphantly by Luther and others; but the cause of its decline lay within itself; it rose, attained its climax, and then waned to decay.

John de Wycliffe was born in 1324, in the parish of Wycliffe, in Yorkshire, and studied at Queen's college, Oxford, where he was for some time divinity professor. He maintained most of those points afterwards distinguishing the Puritans. He wrote a treatise in 1356, called "The Last Age of the Church," in which he assailed the authority of the pope. A few years later he began to attack the mendicants, or begging friars, who swarmed through the land, and it was not long before he attacked the church in general, and all orders in it, enumerating in one of his works twelve orders of religious persons, beginning with the pope, and ending with the mendicants, all whom he denounces as Antichrists and proctors of Satan. This general corruption Wycliffe traced chiefly to the profusion of their wealth; his favourite topic therefore was, the recommendation of the poverty of the first teachers of the Gospel, his own example, and that of a body of disciples whom he called his poor priests, who, like himself, went about preaching the Gospel *barefoot*, and clothed with the coarsest attire: this conduct made a prodigious impression on the public mind. When, having been cited, he made his appearance before Courtenay, bishop of London, in St. Paul's cathedral, to defend himself against certain charges of heresy, he was supported by the duke of Lancaster, and earl Percy, marshal of England. Wycliffe translated the whole Bible into English. With his own hand he wrote, and sent a confession of his faith to the pope, and declared himself willing to defend it at Rome. A paralytic stroke terminated his life, at his rectory of Lutterworth, in Leicestershire, 31st October, 1384, aged 60 years. The doctrines of the reformation were still taught by his followers, who from this time were called Lollards by the churchmen, which means fanatics.

1376. June 18th, died Edward the Black Prince, as he was

called (from the black armour he wore), the valiant son of Edward III., who was then an old man. So entirely had the nation been accustomed to look to the former as their future king, that his death seemed to toll the knell of the country's glory. From this time the people transferred their affections to Richard of Bordeaux, the only son of the late lamented prince; but he was a child only ten years of age, and his uncle, John of Gaunt, duke of Lancaster, evidently aimed at the throne.

The Commons demanded, in right of the great charter, that their Speaker, Sir Peter de la Mare, who was then a prisoner in Nottingham castle, should either be liberated, or put on his trial; both requests, however, Edward III. sternly refused; and here remained the captive till the death of the king.

Edward III. died at Shene, 21st June, 1377, in the 65th year of his age, and 31st of his reign; and amidst much opposition from the party of the duke of Lancaster, Richard II. succeeded to the throne, and was crowned in Westminster Abbey, on the 16th of July, not being then quite eleven years old. One circumstance is remarkable as respects our history, which is, that at this coronation the ancient title of earl of Nottingham, which had lain in abeyance from the time of king John, the last earl, was now revived, and conferred upon John de Maubray, son of lord Maubray, of Axholm, by Elizabeth his wife, daughter and heiress of Margaret Brotherton, duchess of Norfolk, who was born at Epworth, the 8th day of August, 1365, and created earl of Nottingham in the year 1377. This John died without issue, scarcely eighteen years old; after whose death king Richard bestowed the earldom on Thomas Maubray, his younger brother, who was likewise immediately after, by the same king, created duke of Norfolk. He also died young, at London, about the feast of St. Agath, the 8th of February, 1381, the 6th of Richard II., and was buried at the Friars Carmelites, in London.

Thomas Maubray was created earl of Nottingham the 9th of Richard II., 1382; he was hereditary earl-marshal and duke of Norfolk the 21st of Richard II., 1398. He used to style himself duke of Norfolk, earl of Nottingham, marshal of England, lord of Maubray, Seagrave, Gower, and Brews. This nobleman, soon after he was created duke of Norfolk, was banished by king Richard, with Henry of Lancaster. The cause of his banishment was <sup>(a)</sup> for that Henry, duke of Hereford, one day by chance, conferring with

(a) See Peerage, Pt. I. vol. ii. p. 285, which says he was accused by Henry of Bolingbroke for words irregularly spoken of the king.

Thomas, duke of Norfolk, made many complaints unto him against the king's majesty, all which being misunderstood by Norfolk, he watched an opportunity to discover all the whole matter to the king, who being very much moved at it, called duke Henry before him, who stiffly denied the accusation, pronouncing himself not guilty, and that by arms he would retort the fault upon his accuser's head. On the contrary, Maubray maintained what he had before affirmed. In the heat of this contention the day was assigned wherein the combat should be tried; but the king considering it was only for words (if any such were spoken), was advised by his council to forbid the combat; and seeing there was no certain proof in whom the fault rested, and that neither might be held free, they were both banished. Henry had most favour, for he was banished for ten years; after it was decreed but for six years, and at last, before one year came about, he was called home by the nobles, and caused to take upon him the crown; but Thomas was longer exiled, and further off, first travelling into Italy, and afterwards to Venice, where with grief he died, <sup>(a)</sup> Sept. 27th, the 1st of Henry IV. He was first married to Elizabeth Strange, August 23d; she died without issue, and was the daughter of Sir John Strange, son and heir of John, lord Strange, of Blackmere. The second lady was Elizabeth, eldest sister and co-heiress of Thomas Fitz Allan, earl of Arundel and Surrey; by her he had Thomas, earl of Nottingham, and John, duke of Norfolk; also three daughters, Elizabeth, Margaret, and Isabell.

The morning after the coronation of Richard II. the prelates and barons chose a council in aid of the chancellor, amongst whom not one of the king's uncles were named. John of Gaunt withdrew to Kenilworth castle, discontented with the young king's advisers, who had taken from him the strong castle of Hereford.

The truce with France was now nearly expired, and from the predatory excursions which they had made on the Isle of Man and the British coasts, a war seemed inevitable. A parliament was summoned at Westminster, to obtain from it the necessary supplies. Robertus Germayn and Willielmus Capper were returned burgesses of the town; and S. de Leek, Chevalier, and Johannes de Burton, knights of the shire. So exhausted was the treasury, that the nation was considered in the most imminent danger. Supplies were voted, and by borrowing great sums of the merchants, government was enabled to put to sea a considerable fleet, under the

(a) The Peerage says he died of the pestilence at his return from Jerusalem, enumerates many posts the king employed him in, and that he was made Knight of the Garter, 19th Richard II.

command of the duke of Buckingham, which was attended with indifferent success.

1378. Another parliament was summoned at Gloucester; the two former burgesses were returned from Nottingham, and John de Annesly and John Parker, knights of the shire. This parliament met in bad humour; the government wanted money, and the Commons a reform of abuses. A compromise was effected, and a new duty was laid on wool, wool felts, hides, leather, and other merchandize. In an evil hour a capitation tax was imposed, by which every person above fifteen years old was to pay three groats, but in cities and towns the aggregate amount was to be divided among the inhabitants, according to their abilities, or in such way that no individual should pay less than one groat, or more than sixty, for himself and his wife. Where there was little or no registration, endless disputes arose as to the ages of young persons, whether they were fifteen or not. The levying this awkward tax might have passed over with nothing more serious than a few riots between the people and the tax-gatherers, had it not been for other circumstances. The peasantry had been gradually emerging from slavery to freedom, and begun to feel an ambition to become men, and be treated as such by their superiors in the accidental circumstances of rank and wealth. In this transition state mistakes were fallen into, and excesses committed by both parties. Some of our historians have attributed the storm that was now gathering in England to the preaching of Wycliffe's disciples, but the great bulk of the people were still *iron-collared* serfs, bound to the soil, and sold or bequeathed with the estates of the landed proprietors; it is easy to see how impossible it was such a state of society could consubstist, with the faintest rays of civil liberty. But the poll-tax was the proximate cause; this was persevered in, and the obstinacy of the people kept pace with the harshness of the collectors, till at last many of the rural districts refused to pay any longer. The recusants were sorely handled by the authorities, but it only fanned the yet rising flame. Alarmed at these proceedings, the government sent out commissioners into the disturbed districts, but these were set upon and driven back; the judge Belknap was obliged to escape from the fury of the populace, who chopped off the heads of the jurors who had been empaneled to try the offenders. And now a riotous priest at the head of the commons, as they called themselves, who took the name of Jack Straw, harangued the multitude, insisting in his sermons or orations, that all men were equal before God, and ought to be so before the laws. The following is said to have been his standing text:—

“ When Adam delved, and Eve span,  
Who was then a gentleman ? ”

His eloquence had such an effect on the multitude, that, forgetting their own doctrines of equality, they vowed they would make him primate and chancellor of England. A collector of the poll money went to the house of one Walter Tyler, in the town of Dartford, and demanded the tax for a young maiden, the daughter of Walter. The mother maintained that she was not of the womanly age set down by the act of parliament; the collector said he would ascertain this fact, and he offered an intollerable insult to the girl. The maiden and mother cried out, and the father, who was tiling a house in the town, ran to the spot and dashed out the collector's brains. Knowing, if taken, he must be hanged, for defending his own child, he from this time joined the insurgents, by whom he was appointed their captain. Now the critical moment arrived, and goaded by innumerable atrocities, the commons arose as one man, vowing death to their oppressors, but swearing loyalty to the king; Tyler was slain, and 1,500 people were hung upon gibbets; and thus tragically ended this revolt.

The demands of the peasants upon the government were by no means extravagant, as will be seen, they were—

1st. The total abolition of *slavery* for themselves and their children for ever.

2d. The reduction of the rent of good land to 4d. per acre.

3d. The full liberty of buying and selling, like other men, in all fairs and markets.

4th. A general pardon for all past offences.

A quarrel soon after followed between Richard and his barons, at the head of which was his uncle, the duke of Gloucester, and the king, not being twenty years of age, a permanent council was chosen by parliament, to reform and govern the state, and the king was reduced to as mere a cypher, as when he was but eleven.

1378. In August, acting under the secret advice of two of his former ministers, Richard assembled a council at Nottingham, and submitted to some of the judges who attended it this question, whether the commission of government appointed by parliament, and approved of under his own seal, was legal or illegal? These judges certified under their hands and seals, that the commission was illegal, and both lords and commons, in this act, were traitors. Encouraged by this decision of the legal authorities, Richard, in his turn, conceived the idea of governing despotically, and doing away with both houses of parliament; but when the duke of Gloucester, and the earls of Arundel and Nottingham, approached the capital with 40,000 men, Richard awoke from his dream.

1388. A parliament was summoned to meet at Cambridge; Thomas Meverly and William Bottiler were returned burgesses for

the town; John de Annesly and John de Leek Miles, knights of the shire. This, which has been called the "*Wonderful Parliament*," met at the beginning of the year, carried out the impeachment of Richard's ministers, five of whom were convicted of high treason, their property confiscated, and those who were discovered executed, to the joy of the people. The judges who had signed and sealed the answers at Nottingham, were next impeached; their plea was, they had acted under *terror* of the king, and they were capitally convicted; but the bishops interceded in their behalf, and they were exiled to Ireland for life. Judge Blake, who had drawn up the questions at Nottingham, was executed, and so was Usk, who had been secretly appointed under sheriff to seize the duke of Gloucester. The king's confessor, who swore that no threats had been used with the judges at Nottingham, was also condemned to exile in Ireland, and king Richard was again subject to the council.

1389. August. At a great council Richard addressed his uncle Gloucester, "How old do you think I am?" "Your highness," replied Gloucester, "is in your twenty-second year." "Then," added the king, "I am surely of age to manage my own affairs. I have been longer under the control of guardians than any ward in my dominions. I thank you, my lords, for your past services, but I want them no longer." Before they could recover from their astonishment, he demanded the great seals from the archbishop, and the keys of the exchequer from the bishop of Hereford, and in a few days drove Gloucester from the council and the court.

He raised money by forced loans, he cohersed the judges, and in order to obtain fines, outlawed seventeen counties with one stroke of his pen; of the citizens of London he demanded £1000, which being refused, the lord mayor, sheriffs, and aldermen, were, by the incensed monarch, summoned to a state council (in 1392, on the feast of St. John the Baptist), held in Nottingham, where they were all arrested for divers faults laid to their charge; Sir William Standon, the mayor, and William Mansfield and Thomas Newington, were made prisoners. The king, disannulling their liberties, made Sir Edward Dalengrige warden of London, anno regni 16<sup>th</sup>; but, because it was said he favoured the cause of the Londoners, he was removed from his new office the 1st of July, and Baldwin Radington constituted in his place. The king's resentment, however, did not rest here, for he removed the Court of King's Bench to York, and the high Court of Chancery to Nottingham, where they remained for some months, till a compromise was effected through the mediation of the duke of Gloucester. The king came from Shene, in Surrey, to London with queen Anne, his wife, and were received at St. George's Church, in Southwark,

with a procession of Robert Braybrooke, bishop of London, and all his clergy of the city, who conveyed the king through London, accompanied by his amiable queen, the citizens, men, women, and children, meeting them and doing them honour, attended them to Westminster. As they passed through the city, the streets were hung with cloth of gold, silver, and silk, the conduit in Cheapside ran with red and white wine, and by a child angelic, the king was presented with a costly crown of gold, and the queen with another; a table of the Trinity, of gold, was also given to the king, valued at £800, and another to the queen, of St. Anne. By this means, the king became more tractable to restore them their liberties and honours, which were shortly after effected. The King's Bench, at York, and the high Court of Chancery, at Nottingham, were transferred to the metropolis.

1394. The first wife of Richard died, sincerely regretted by rich and poor, who called her *good queen Anne*, but he espoused another wife, Isabella, daughter of Charles VI., king of France.

1397. Richard came to Nottingham castle, and there taking his uncles Lancaster and York by surprise, made them, with other noblemen, put their seals to a parchment, by which Gloucester, Arundel, and Warwick, were appealed of treason. A parliament was then summoned at Westminster to try the three traitors, as they were now called. Robert Germain and Thomas Mapperley were returned for the town, Thomas de Rempstone, Miles, and Robert de Marton, knights of the shire.

The parliament met in September; on the 17th the king went there with 600 men-at-arms wearing his livery, and a body guard of choice archers. The commons, who had received their lesson, began by impeaching Thomas Arundel, archbishop of Canterbury, of high treason. Fearing his eloquence, Richard artfully prevented his attending, and unheard, he was banished for life. On the following day, his brother, the earl of Arundel, who offered to prove his innocence by wager of battle, who challenged a trial by jury, and who at last pleaded a general and particular pardon, was condemned, and immediately led out and beheaded on Tower-hill. Gloucester had been secretly murdered by the king's order, in the castle of Calais. On the 28th, Gloucester's friend, the earl of Warwick, was brought before the bar of the house; the earl pleaded guilty, but his sentence was commuted to perpetual imprisonment in the Isle of Man. The answers of the judges to the questions put to them at Nottingham, which nine years before had been punished as acts of high treason, were now pronounced to have been just and legal, and as such were sworn to by parliament upon the cross of Canterbury, and confirmed by a national oath, with

the penalty of excommunication denounced against its infringers. Before this obsequious parliament separated, it set the dangerous precedent of granting the king a subsidy for life upon wool, which rendered him independent of parliament and people.

A general murmur was soon raised against the parliament; people said it had not been freely chosen; this reign abounded with dark and treacherous transactions, and now the crisis was hastening on. When told the country was in a ferment, and plots and conspiracies were forming against him, he treated it with contempt, and chose this moment to depart the kingdom to put down the Irish. His cousin Henry, duke of Hereford, son of the duke of Lancaster, who had been exiled by Richard, went no further than France; his father being now dead, he returned home, landing at Ravenspur in Yorkshire.

19th June, 1399. As soon as he landed he was joined by the great earls of Northumberland and Westmoreland. Richard returned, and was met by Lancaster at Conway castle, before whom he uncovered his head, saying, "Fair cousin of Lancaster you are right welcome." "My lord," answered Henry, "I am come somewhat before my time, but I will tell you the reason. Your people complain that you have ruled them harshly for twenty-two years, but, if it please God, I will help you to rule them better." The trumpets then sounded to horse, and mounted on a miserable hack, Richard rode prisoner to Chester, no one pitying his fate, and from thence to London; he escaped at Lichfield, but was soon retaken; the populace cursed and reviled him when he entered the city, and he was thrown into the tower.

Henry, while at Chester, had issued writs in the king's name for a parliament to meet on the 29th September. John de Plumtre and John Tauntsley were returned for Nottingham, John Gaytford and William de Leek for the county.

On the day of meeting, a deputation of lords and commons waited upon the imprisoned king in the Tower, who there made a formal renunciation of the crown, acknowledged his unfitness to govern, and absolved all his subjects from fealty and homage, gave his royal ring to his cousin Henry, and said he of all men should be his successor, if he had power to name one. On the 30th parliament received the resignation of Richard, against whom twenty-three articles of impeachment were preferred, and he was declared guilty of all; accordingly, his deposition was pronounced, and Henry, duke of Lancaster, ascended the throne.

Richard granted no additional privileges, or gave any charter to Nottingham, though he was so often here; but by his letters patent he confirmed all charters and privileges of former kings. This mark



of respect to Nottingham may be rather attributed to the government than to Richard, who was then but a child, it being in the first year of his reign. The following copy is a translation :—

“ Now we being well pleased with the grants, confirmations, and restrictions aforesaid, do grant and confirm, as far as in us lies, for ourself and our heirs, to the burgesses of Nottingham, and their heirs and successors, burgesses of the said town, as the aforesaid charters do reasonably witness, and as the aforesaid burgesses and their predecessors, the said liberties and acquittances they have reasonably used and enjoyed.

“ Witness ourself at Westminster, the 8th April, in the first of our reign.”

Sir Robert Cotton, in his records, page 35, mentions an important circumstance relative to the town. “ In 1395, the 18th of Richard II., the inhabitants of Nottingham and others prayed a remedy against a certain exaction imposed upon them by the constable of the castle, of four-pence for every load of coals passing into the town from the forest of Sherwood.”

The following trades were at this time followed in Nottingham, concerning which we have been able to gather the following particulars :—The staple trade of the town was the manufacturing of woollen cloth, these were originally called *drapers*; to drape signified to make cloth. Next in importance were the tanners and skimmers, the blacksmiths, the bowyers, the brewers, the bakers, the butchers, the wood-cutters, the wool-combers, the girdlers, the tailors, the glass makers, shoe makers, cobblers, the mercers; the haberdashers dealt in a great number of articles; they who sold *ribbons*, and haberdashers of small wares, dealt in articles of dress brought from Milan, and a distinct branch arose out of this trade, the persons engaged in it being called *milliners*. Mustard and vinegar sellers used to be a distinct trade.

The tools of a carpenter, in the fourteenth century, consisted of a broad axe, value 5d., another 3d., an adze 2d., a square 1d., a navegor (probably a *spoke-shave* 1d., making the total value of the implements of his art only *one shilling*. The tools and stock of a blacksmith were valued only at a few shillings, the highest sum being twelve shillings. The stock in trade, and household goods of a tanner were estimated at £9 17s. 10d. A mercer's stock was valued at £3, his household property at £2 9s. 0d.

## CHAPTER XIX.

Plumtre Hospital.—King Richard II., by letters patent, bearing date at Nottingham, 8th July, in the 16th year of his reign (1392), granted a new license to John Plumtre, of Nottingham, to found and endow, within the said town, a hospital, or house of God, of two chaplains, one of whom should be the master or guardian (*magister sine custos*) of the said hospital, and of thirteen widows bent by old age, and depressed by poverty (*senio contractis et paupertate depressis*), in a certain message of the said John Plumtre.

By an instrument of foundation, bearing date 12th July 1400, and confirmed by Richard, Archbishop of York, on 22d July in the same year (as appears from an official extract from the archbishop's register), the said John Plumtre, after stating that he had, for the honour of God, and of the Annunciation of the Blessed Virgin, built a hospital at the end of the bridges of Nottingham, for the support of thirteen poor women, ordained that there should be within the chapel, which he had built within the said hospital, a perpetual chantry of two chaplains, who should celebrate divine service at the altar of the Annunciation of the Blessed Virgin, for the welfare of the king, and of the founder and his wife, while living, and for their souls after their deaths, and for the welfare of the whole county of Nottingham, and for the souls of all faithful deceased persons, and particularly of those who should, at their deaths, have given any goods and chattels to the said hospital, and to the support of the widows dwelling therein, one of which chaplains should be called the master and guardian, and the other the secondary chaplain. And the founder directed that the said master and chaplain should perform certain masses and services specified by him, and that they should, to the best of their power, support and maintain the poor women dwelling or to dwell within the said hospital, and instruct them in the Catholic faith; that they should not improperly supply them, and should not convert, or allow to be converted, the rents and profits granted or to be granted, for their support, or their habitations, to any other uses; and the founder reserved to himself, during his life, the presentation of the chaplains to the said chantry, and directed that after his death, the presentation should belong to the convent and priory of Lenton; and he appointed two persons as master and

second chaplain of the said chantry, and directed that they and their successors should continually inhabit the messuages situate within the said hospital; and he assigned to each of the said chaplains, and their successors, for their stipend and support, 100s. yearly, to be received from ten tenements and two lofts in Nottingham, thereafter mentioned, which were as follows:—A tenement of six messuages under one roof, in the Little-marsh of the town, between the end of the bridge on the east, and a tenement of Agnes Reman on the west; a messuage in the street leading from St. Peter's church to the Minor Friars, called Insole; a tenement of three messuages in a lane opposite the north gate of St. Peter's church; a messuage in the Cuckstole-row; a messuage, with a garden, on the south side of Barker-gate; two messuages lying together, on the north side of Fisher-gate; four messuages lying together, with gardens, on the south side of Fisher-gate, and another messuage, with a garden, in Fisher-gate, near Pennyfoot-lane. And all the money arising from the said lands and tenements beyond the sum of 100s., the founder specially reserved for his own disposal, for the support of the other burthens of the said chantry, directing that the said chaplains, for their stipend and support, should be content with the said 100s. And he directed that, after his death, the chaplains of the said chantry, and particularly the guardian to whom the care of such matters should specially belong, should, when any reparations of the houses, walls, or other things should be necessary to be done, cause the same to be done without delay; and that neither of the chaplains should, under the pretext of utility, alienate any of the lands, houses, rents, or goods, moveable or immoveable, belonging to the said chantry.

The instrument contains various other directions relating to the chantry and hospital, and the master and chaplain; and the founder thereby reserved to himself a power during his life of interpreting, altering, adding to, or subtracting from, the ordinances thereby made.

The said John Plumtre made a second instrument of foundation, bearing date the Monday after the Feast of the Conception of the Blessed Virgin, in the year 1415, and confirmed by the archbishop of York on the 5th of February following, as also appears from an extract from the archbishop's register.

The latter instrument in its general tenour is the same as the former, but differs from it in some respects, and particularly in stating that the hospital built by him was for the support of seven poor women, and in directing that the stipend of the master should be £6, and that of the chaplain £5. The description also in the latter instrument of the property given for the support of the

donor's charity is different from that which was contained in the former, and there are added in the latter a tenement called Tile House, between a toft of Thomas Ingram on the south, and a garden of John Samon on the north, extending from the king's highway on the east, to the ditch of the town on the west, and the founder's tenement in which he then lived in Cuckstole-row, at the corner of a lane leading from Saturday's market to St. Peter's church, with its appurtenances.

Under the statute for the dissolution of chantries, this hospital and the lands belonging to it became vested in the crown; and from the reign of queen Elizabeth to the present time, the office of master of the hospital has been from time to time granted by letters patent to persons for life, being, with very few exceptions, of the founder's name and family. The late master of the hospital, John Plumtre, esq., of Fredville, in the county of Kent, died in November, 1827; and in May, 1828, his eldest son, John Pemberton Plumtre, esq., was, by letters patent, appointed the master and guardian thereof.

By a decree of the court of Chancery, made 12th July, 1735, in a cause of the Attorney-General at the relation of the then mayor and five aldermen of the town of Nottingham, against John Plumtre, esq., who had been appointed master of the hospital by letters patent of queen Anne, in 1703, and who was the great grandfather of the present master, it was ordered that it should be referred to one of the masters of the court, to take an account of the rents and profits of the hospital come to the hands of the defendant, to whom all just allowances were to be made, particularly for the sums which he had disbursed in the improvement of the charity, with interest thereon; and that if there should be any of the said rents and profits remaining in the defendant's hands after such allowances made, the consideration how the same should be disposed of should be reserved until the said master should have made his report; and it was also ordered that the growing rents and profits of the hospital should, for the future, be applied by the defendant pursuant to the intent of the donor, and that the costs of all parties should be paid out of the charity estate.

It appears from the answers of the defendant, John Plumtre, as stated in this decree, that his grandfather and father had, as masters of the hospital, maintained seven poor widows in the hospital, and that there had never been more than seven maintained therein since the foundation; that at the time of the defendant's appointment as master, in 1703, the annual rents of the hospital amounted to £35 5s. 4d., at which time several of the houses were in a ruinous condition; and that many more having since become ruinous, he

had from time to time rebuilt and repaired the same, and had improved the rents, so that they then amounted to £120 8s. per annum. That his grandfather and father, and he himself, until the year 1718, having regard to the bad condition of the hospital, had retained only 40s. per annum out of an annual salary of £10, which the preceding masters, since the dissolution of the chantry, had been allowed, in lieu of the stipends allotted to the two chaplains; but that in the last mentioned year, the rents having been raised to £67 5s., he had ever since retained £10 per annum. That he had allowed the seven poor widows 5s. a month each, and 6d. each on New Year's day, and a ton of coals yearly, and that he had expended several hundred pounds of his own money in building twelve new houses, and making large repairs to the rest of the houses belonging to the hospital.

From the date of this decree to the present time the suit in the court of Chancery relating to this charity has been renewed from time to time, the master for the time being of the hospital being made the defendant therein; and under the direction of that court the number of the poor widows has been augmented: the accounts of the master of the hospital have been annually passed before a master of the court, and balances in favour of the charity have been from time to time paid into court, and invested in the purchase of consolidated three per cents. in the name of the accountant-general.

On the 19th of July, 1751, an order was made confirming a master's report of the 8th June preceeding, whereby a proposal of the same John Plumtre, as master of the hospital at the date of the above mentioned decree, was approved of for the application of a balance of £236 16s. 9½d. in his hands, and so much of the future rents of the charity estate as might be necessary, in the building of six more habitations, in addition to the seven then existing, for six additional poor widows, in order to make up the number of thirteen widows, as originally intended by the founder, and for augmenting the allowances of all the widows in the hospital.

This John Plumtre having died in September 1751 before the building of these six additional habitations was finished, they were completed by his son, John Plumtre, who was appointed master of the hospital in October in the same year: the number of widows in the hospital was gradually increased to thirteen, and their allowances have been from time to time augmented to their present amount, being for each widow £1 2s. 6d. per calendar month, and 6d. on New Year's day, with a ton of coals, and a gown, annually.

In 1791 the said John Plumtre, who had been appointed master

in 1751 died. His son, the late John Plumtre, Esq. was, in 1798, appointed master, and (as was before mentioned) died in 1827.

One of the augmentations of the widows' allowances took place by virtue of an order of the court, made Dec. 15th, 1798, whereby it was further ordered, that the master of the hospital should be at liberty to retain his usual annual stipend of £10, and should also pay £15 annually to a person for collecting the rents, and looking after the repairs of the charity estate, for which purpose an annual sum of £10 had been for many years before that time paid and allowed in the accounts. And it was further ordered, that any of the parties to the suit should be at liberty to lay proposals before the master of the court touching the future application of the rents and profits of the charity estate, and that the balances of the rents and profits over and above what should be applied for the purposes of the charity, should be from time to time paid into the bank, with the privity of the accountant-general to be placed to the credit of that cause; and that the same, as they should amount to competent sums, should be laid out in the purchase of bank three per cent. annuities, in the name of the accountant-general.

By an order made on the 22d July, 1815, it was (amongst other things) ordered, that it should be referred to the master to inquire whether it would be proper to allow the sum of £10 per annum each, to eighteen poor widows, as out-pensioners of the said hospital; and if he should be of opinion, that it would be proper to make such allowance, to inquire whether it would be proper that the interest on the three per cent. annuities then standing, or thereafter to be purchased, in the name of the accountant-general, in trust, in that cause, should be paid half yearly to the then master of the hospital, so long as he should hold that office, to be by him applied in payment of such sum of £10 each to such eighteen out-pensioners.

In pursuance of the last mentioned order, a report was made by the master of the court, on the 27th Nov. 1815, whereby he certified, that he found by a statement of facts laid before him, that in 1806 the master of the hospital laid proposals before the master, to whom the cause then stood referred, for increasing the allowances to the widows in the hospital to £1 2s. 6d. each per month, and that an allowance of £10 each, by monthly or other stated payments, should be paid to twelve widows who could not reside in the hospital, all the apartments therein being fully occupied, which proposal the last mentioned master approved of; and that payments to out-pensioners had been continued ever since; and the said master, by whom the report of the 27th November, 1815, was made, further stated, that he found that at the time of making such

increased allowances and payments, the rents of the hospital estate were £357 19s., and the stock standing in the accountant-general's name was £3,903 1s. 10d., three per cents., and that the rents having increased, the funds in court had considerably accumulated, and that as there was no immediate object for expenditure, it was considered that the increase of the out-pensioners would be the most useful mode of applying the surplus-monies of the charity, and that it had been therefore proposed to allow an increase of eighteen out-pensioners, making the total number of out-pensioners thirty; and he also found that the rents were then £427 4s. per annum, clear of deductions, and that the stock standing in the name of the accountant-general was £6,510 11s. 5d., three per cents., the dividends of which, added to the rents, made the income of the hospital £622 10s., or thereabouts, and that the expenditure, including the allowances to the then out-pensioners, did not exceed £370, and that the proposed increase of allowance to eighteen out-pensioners would make the expenditure £550, leaving still an annual surplus of £72 10s., which would be amply sufficient to answer any contingencies for loss by tenants, extra repairs, or decrease of rent: and the master in his said report further stated, that it had been proposed that the whole of the dividends of the funds in court should be received half yearly from the accountant-general, to be applied by the defendant (the master of the hospital) for the purposes of the charity; and he certified that he was of opinion that the allowance to the additional out-pensioners should commence from the 1st August, 1815, and that the dividends of the funds then in the court, or thereafter to be purchased, should be received and applied in the manner proposed.

By an order of the court, made on the 4th March 1816, the above-mentioned report was confirmed, and it was ordered that the interest to accrue on the said £6,510 11s. 5d. stock, and on the stock to be purchased with the balances of the rents and profits of the charity estate, should be paid to the defendant as long as he should continue master of the hospital, or until the further order of the court; and that the sum of £87 17s. 10d. cash in the bank, placed to the credit of the cause, should be paid to him, and that the same and the said interest should be applied by him, in payment of £10 per annum each to eighteen poor widows, additional out-pensioners of the said hospital; and that the balances of the rents and interests should be invested in the purchase of stock, as before directed.

It is stated in the above-mentioned master's report of the 27th November, 1815, that the first appointment of twelve widows as out-pensioners of the hospital, in 1806, was proposed to and

approved of by the master, to whom the cause at that time stood referred ; but this addition to the establishment of the charity does not appear to have been then made the subject of a report, nor to have received the sanction of the court, until the order of 4th March, 1816, was made, which, as it directed the application of a portion of the income to the support of eighteen additional widows, may be considered as containing, by implication, an approval of the previous appropriation of a part thereof, for the benefit of the twelve then existing out-pensioners.

We have thought it necessary to enter into a detail of the proceedings in the court of Chancery, relating to the out-pensioners, as giving rise to some observations which will be found in a subsequent part of the report, on the course which has been pursued in the appointment of them.

In January 1821, a supplemental information was, with a view to the obtaining the act of parliament hereinafter mentioned, filed by the attorney-general, at the relation of John Houseman Barber, and others, of the town of Nottingham, for the purpose of making the solicitor-general a party to the suit, as a defendant, on the ground of the crown being interested in the fee-simple of the charity estates.

By an order of the court, made on the 5th November in the same year, it was ordered, on the petition of the defendant, John Plumtre, that it should be referred to the master, to inquire and state to the court whether it would be for the benefit of the charity that three pieces of garden ground, in the town of Nottingham, part of the estates belonging to the charity, in the petition mentioned, should be sold, and that the defendant, as master or guardian of the hospital for the time being, should be empowered to raise money for the necessary rebuilding and repairs of the charity estate, by mortgage of all or part of the said estate, and to grant building and repairing leases thereof.

On the 9th February, 1822, the master made his report in pursuance of this order, whereby he certified that a state of facts and proposals had been laid before him by the defendant, John Plumtre, with an affidavit of the defendant, and of William Stretton, builder and surveyor, by which, after stating the original foundation of the hospital was for two chaplains and thirteen widows, and that by virtue of several orders of the court there were thirty out-pensioners who received £10 per annum each out of the said charity, it was further stated, that the estates belonging to the hospital consisted of houses, buildings, and gardens, in the town of Nottingham, and of £6,510 11s. 5d. three per cent. annuities, standing in the name of the accountant-general : that the houses and buildings of the



said charity estate were, for the most part, extremely old, and many of them so decayed and ruinous, as to make it necessary that they should be immediately rebuilt: that the hospital was an ancient building, having been rebuilt about the year 1650, and in great decay; and that from the raising of the street three or four feet above the basement floor, it had become a very inconvenient and unwholesome habitation, and that it was absolutely necessary that the same should be entirely rebuilt: and the master further found that the said William Stretton, by his affidavit, stated that he had surveyed the hospital, and the houses and buildings belonging thereto; that the hospital and several of the houses and buildings were so old and decayed, that it would waste money to attempt any thing less than a complete rebuilding of them: that in his judgment the expense of rebuilding the hospital would amount to £1,560, and of rebuilding such of the houses and buildings as required it, would amount to £7,029, and that the expenses of repairing others of the said houses and buildings would amount to £1,358 4s., making in the whole £9,947 4s.: that part of the estates belonging to the hospital consisted of a piece of garden-ground, containing about 2,709 square yards, then let at the yearly rent of £5, which would, in his judgment, produce on sale £1,000.: that there were several gardens, being also part of the estates, and attached to tenements, also part thereof, from which gardens a piece of ground containing 800 square yards might be advantageously taken, and would, in his judgment, sell for £300, leaving sufficient garden ground for the tenants of the said tenements, and without occasioning any reduction in the rents thereof; and that there was another piece of ground, also part of the said estates, containing 500 square yards, including the tenements and buildings standing thereon, which were in a most ruinous state, and too bad to repair, which would, in his judgment, produce on sale £350: and the master further found that the said John Plumtre and William Stretton were of opinion that it would be very much for the benefit of the said charity that the said three pieces of ground should be sold towards raising the money required for such rebuilding and repairs; and that the said John Plumtre stated, that in his belief the most eligible mode of raising the money required would be by a mortgage of the charity estate, rather than by a sale of other parts thereof; and that the said John Plumtre and William Stretton stated that the sum of £8,300 would be necessary to be raised by a mortgage of the charity estates, in addition to the sum to be produced by sale of the said three pieces of ground: and that the said John Plumtre submitted that it would be for the benefit of the said charity, that the said three pieces of ground and build-

ings should be sold, and that he should be at liberty to raise by mortgage of the charity estates, or a part thereof, £8,300 for the said rebuildings and repairs: and the master certified that he was of opinion that it would be for the benefit of the charity that the said three pieces of ground and buildings should be sold, and that the master of the hospital should be empowered to raise, by mortgage of the charity estates, or of some part thereof, £8,300 for the above-mentioned purposes, and that he should be empowered to grant building or repairing leases of all, or any part of the said charity estates.

By an order made the 15th February, 1822, this report was confirmed, and it was ordered that the petitioner should be at liberty to present a petition to parliament, for leave to bring in a bill to enable the master of the hospital to sell the above-mentioned pieces of ground, to raise, by mortgage of the estates, £8,300 for the before-mentioned rebuildings and repairs, and to grant building or repairing leases.

By an act of parliament passed in the same year (3 George IV.) the lands described in the first schedule thereto annexed (being the three pieces of ground by the said report recommended to be sold), were vested in fee simple in the master of the hospital for the time being, discharged from the charitable trusts, on trust, to sell the same, under the direction of the court of Chancery, by public auction or private contract; and on payment of the purchase money into the bank of England as therein directed, to convey the same to the purchasers thereof.

And the master of the hospital for the time being was thereby empowered, under the direction of the said court, to borrow any sum not exceeding £8,300, on the security of all or any of the messuages and lands comprised in the second schedule thereto annexed, and execute deeds in the manner mentioned in the act for conveying such premises to any persons for any term of years, subject to redemption on repayment of the money so to be borrowed, with interest, not exceeding 5 per cent.

And it was enacted, that the monies to be so raised by mortgage, or to be produced by the sale of the premises mentioned in the first schedule, should be paid into the bank of England in the name of the accountant-general, in trust, in the said cause, to be placed to his account there "*ex parte* Plumptre hospital, in the town of Nottingham," and that all such monies to be paid into the bank of England in the manner aforesaid, should be applied from time to time, under the direction of the court—in the first place, in paying all the costs preparatory to, and attendant on the applying for, ob-

taining, and passing that act, and all other charges incident thereto, and the costs of the applications which should be made to the court of Chancery in pursuance of that act, and of paying the monies into and taking the same out of the bank of England, and of such sales as aforesaid, and of making out the title to the said lands, and approving the conveyances thereof, and of raising such monies as aforesaid, and mortgaging the charity estates, and all such other costs and expenses incidental to the objects of the act, as the court should think it necessary or proper to pay; and in the next place in the rebuilding and repairs of houses and buildings belonging to the said charity, in pursuance of the said master's report and order of court, and in paying all the expenses that should be incurred under the direction or with the approbation of the court, in all such works and matters aforesaid; and if there should remain any surplus of the said monies, that it should be invested under the direction of the court in the purchase of lands, to be conveyed to the use of his majesty, his heirs and successors, for the uses and purposes of the said charity.

And it was enacted that the court of Chancery might from time to time make order for taxing and settling the costs and expenses therein before directed to be paid, and give all the directions thereby authorized, on petition to be presented in a summary way by the master of the said hospital for the time being, or other person interested therein, and from time to time make such orders touching the premises as the said court should think fit.

And the master of the said hospital for the time being was thereby empowered from time to time, under the direction of the said court, to grant building or repairing leases, in the manner and subject to the conditions therein mentioned, of all or any part of the messuages and premises mentioned in the second schedule, for any term not exceeding 99 years in possession. And he was also empowered (without the direction of the court) to grant leases (not being such building or repairing leases) of all or any part of the premises in the second schedule mentioned for any term not exceeding 21 years in possession.

And it was further enacted, that all the clear yearly rents and profits of the real estates, and the dividend and interest of the stocks and securities, belonging to the said charity, should be applied in the first place, in keeping down the interest of such monies as should be raised by mortgage; and in the next place in making such payments, disbursements and allowances, as from time to time, in the proper and fair administration of the said charity, and its estates and property, and the maintenance of the thirteen widows and thirty out-pensioners in the said report mentioned, and the

matters and concerns of the charity, should be fitting and proper to be made; and that the residue of such rents and profits, dividends, and interest, should be divided into two equal parts, and be from time to time invested, in the name of the accountant-general, in the public funds or on government securities; and that one of such parts should, from time to time for ever, be set apart as a fund for repairs, and the other part, and the funds and securities in which the same should be invested, and the dividends and interest thereof, should, under the directions of the court, be applied (as from time to time the amount of the fund would allow thereof) in paying the principal monies that should be owing on such mortgage as aforesaid, until the same should be wholly paid off; and that, after answering such purpose, the surplus (if any) of the funds and securities, and the proceeds thereof, and all the then future surplus and savings, should be applied for the purposes and uses of the said charity, provided that the said half part of the residue directed to be set apart as a fund for repairs, and the funds and securities in which the same should be invested, and the dividends and interest thereof, should, under the direction of the court, be considered as a fund exclusively devoted and applicable to the necessary repairs and sustentation of the fabric of the hospital and the appurtenances thereof, and of the houses, buildings, and erections, on the estate of the charity, which ought to be repaired at the expense of the charity, and solely applied accordingly.

The sales authorized by the above mentioned act, of portions of the property belonging to the charity, took place in 1823, under the direction of the court of Chancery, the produce thereof, amounting to £1,750 5s. 6d., was paid by the respective purchasers into the bank of England, in the name of the accountant-general, to the account "*ex parte* Plumptre hospital," as directed by the act, and a part thereof was invested in the purchase of £902 10s. 5d. three per cent. annuities, which reduced the cash in the name of the accountant-general to £1,038 15s. The costs of obtaining the act of parliament, and of all parties in the proceedings preparatory and incident thereto, were taxed in pursuance of an order of 1st June, 1824, amounting to £1,194 12s., and as the balance of cash was not sufficient to pay those costs, £155 2s. 1d. stock, and part of the said £902 10s. 5d. three per cents. was sold to provide for the deficiency; and the stock was thus reduced to £747 8s. 4d., which was also subsequently sold, and produced £573 12s. 10d.

It appears from a master's report, dated 18th January, 1827, that the cash then in the name of the accountant-general to this account, amounted to £618 9s. 10d., being composed of the produce of the sale of the said stock, and dividends received thereon

previously to its being sold, out of which there was paid for the subsequent costs of all parties, as taxed by the master, and certified by the last mentioned report, the sum of £190 8s. 4d., whereby the balance of cash was reduced to £428 1s. 6d.

By an order of the court made the 25th January, 1827, whereby a master's report dated 30th November, 1826, and the above mentioned report of 18th January, 1827, were confirmed, it was ordered, that John Plumptre, jun., esq. (the then master of the hospital's eldest son, who since his father's death has been appointed master, as before mentioned), should pay into the bank, in the name of the accountant-general, £3,400, which he had offered to advance at the rate of four per cent. on the security of part of the estates comprised in the second schedule to the act of parliament, and that a mortgage for securing to him that sum should be settled and executed under the direction of the master of the court, out of which sum certain payments were directed to be made to the then master of the hospital, for sums which he had advanced towards the rebuilding of the hospital, and the building of four new cottages on a part of the charity estate in Fisher-gate, Nottingham, under the direction of the court.

The following statement will show what portion of the sum of £4,300, thus borrowed on mortgage, and of the before-mentioned balance of £428 1s. 6d., have been expended up to the present time, all the disbursements therein mentioned having been made under the sanction of the court:—

	£	s.	d.
Expenses of taking down and rebuilding the hospital according to the original estimate thereof.....	1698	0	0
Extra expenses on account of rebuilding the hospital subsequently allowed.....	497	19	6
Expenses of building four new cottages in Fisher-gate	950	0	0
Interest at four per cent. allowed to the master of the hospital on sums amounting to £1,800, which he had advanced to the architect during the progress of the rebuilding of the hospital .....	157	16	7
Costs of the above-mentioned mortgage, as taxed by the master of the court .....	77	0	6
Balance of cash in the accountant-general's name, to the account "Ex parte Plumptre hospital" .....	465	4	11
	<hr/>		
	£3828	1	6

The following rental will show the particulars of the landed property belonging to this hospital, all of which is situate in the town of Nottingham:—

## SITUATION, TENANTS, AND RENTAL.

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NO.	TENANTS.	WHERE SITUATE.	TENEMENTS.	£	s.	d.
1	John Clarke	Poultry	Flying Horse Inn, stables, and out-buildings.....	100	0	0
2	Miss Martin	Ditto	House and grocer's shop, adjoining No. 1 .....	16	0	0
3	Frances Braithwaite	Ditto	House, offices, and warehouse,	50	0	0
4	Thomas Stubbs	Peck-lane	Punch Bowl public-house.....	50	0	0
5	James Wallis	Ditto	House and clothes shop.....	21	0	0
6	John Godber	Ditto	House and worsted hose shop,	15	0	0
7	Joseph Perry	Ditto	Blue Ball public-house.....	20	0	0
8	Thomas Kirk	Peter-gate	House and Printing office.....	35	0	0
9	James Manderfield	Lister-gate	House .....	12	12	0
10	Edward Cheetham	Barker-gate	House .....	6	0	0
11	Elizabeth Spurr	Ditto	House .....	5	0	0
12 to 16	Joseph Richards	Narrow Marsh	Three tenements fronting to Narrow Marsh, in the occupation of Lydia Towle, S. Miller, and W. Bainbridge; and two tenements in Bull-court, behind, in the occupation of Wm. Bilby and John Harrison .....	16	8	0
17 to 19	Samuel Roberts	Ditto	House fronting to Narrow Marsh, in the occupation of R. Sulley, with warehouses, skin sheds, tan vats, &c. behind, extending to the Leen-side, in the occupation of S. Roberts; and a house lately occupied by J. Bennett ...	40	0	0
20	Unoccupied	Ditto	House .....			
21 to 25	Thomas Hardy	Ditto	House, butcher's shop, stable, slaughter house, cow houses, &c. in the occupation of the tenant; and four new houses behind, built by him, and in the occupation of Samuel Moore, Thos. James, Thos. Colclough, & John Arnold	12	0	0
26	Thomas Hardy	Ditto	House .....	12	0	0
27	John Morley	Leen-side	House .....	10	0	0
28	Unoccupied	Ditto	House, behind No. 27 .....			
29	Ditto	Ditto	Ditto, ditto.....			
30	Mary Leeming	Ditto	Ditto, 1s. 6d. per week .....	3	18	0
31	Mary Battersby	Ditto	Ditto, ditto.....	3	18	0
32	John Johnson	Ditto	Ditto, ditto.....	3	18	0
33	Mary Timson	Ditto	Ditto .....	3	10	0
34	Miss Bullivant	Ditto	House fronting to Leen-side...	8	0	0
35 to 38	The Widow of Sylvanus Redgate	Ditto	Ditto, with three small tenements behind, in the occupation of Widow Gillman, John Rayner, and William Simpson; and a stable in the yard.....	10	10	0

Carried forward ... £ 454 16 0

NO.	TENANTS.	WHERE SITUATE.	TENEMENTS.	£	s. d.
		Brought forward .....		454	16 0
39	William Newham	Fisher-gate	House fronting to Fisher-gate,	5	0 0
40	Robert Miller	Ditto	Ditto	8	0 0
41	John Smedley	Ditto	Ditto	5	0 0
42	Robert Matthews	Ditto	{ Ditto in yard behind, 1s. 6d. per week .....	3	18 0
43	Thomas Warton	Ditto	Ditto	5	0 0
44	Unoccupied	Ditto	Ditto		
45	Ann Spencer	Ditto	House fronting to Fisher-gate,	8	12 0
46	Ann Cresswell	Ditto	Ditto	6	0 0
47	Richard Clay	Ditto	{ Ditto in yard behind, 1s. 6d. per week .....	3	13 8
48 to 50	Richard Hooton	Ditto	{ Three tenements fronting to Fisher-gate, in the occupa- tion of Sarah Applegate, Richard Hooton, and Thos. Hooton, with malt office, garden, &c. behind .....	20	0 0
51	Jane Best	Ditto	House fronting to Fisher-gate,	4	0 0
52	William Dalby	Ditto	Ditto	4	0 0
53	John Hawley	Ditto	Ditto	8	8 0
54	Joseph Lowater	Ditto	Vault under ground, behind...	1	0 0
55	Samuel Lowater	Ditto	Ditto	1	0 0
56	George Johnson	{ Willoughby- row .....	{ House fronting to Willough- by-row, with a tenement and workshop behind .....	10	0 0
57	Unoccupied	Ditto	{ House fronting to Willough- by-row .....		
58	Thomas Smart	Fisher-gate	House	12	12 0
59	Widow Alvey	Ditto	Ditto	12	12 0
60	Joseph Walker	Ditto	House, lately built	12	0 0
61	John Guest	Ditto	Ditto	8	8 0
62	Richard Dilkes	Ditto	Ditto	8	8 0
63	William Atkins	Ditto	Ditto	8	8 0
64	Samuel Wood	Ditto	House	10	0 0
65	Joseph Whitchurch	Ditto	Ditto	8	0 0
66	Unoccupied	Butcher-street	House fronting to Butcher-st.		
67	Thomas Holland	Ditto	Ditto	4	4 0
68	Robert Smith	Ditto	Ditto	4	4 0
69	Elizabeth Smart	Ditto	Ditto (behind)	6	0 0
70	Sarah Ball	Ditto	Ditto	5	0 0
71	Richard Miller	Ditto	Ditto	5	0 0
72	Mary Holt	Ditto	Ditto	5	0 0
73	James Robinson	Ditto	Two tenements, stable, & land,	6	6 0
74	William Halford	Carter-gate	House, and cooper's shop	10	0 0
75	William Walker	Ditto	{ Seven tenements, built by the tenant .....	12	0 0
				£684	7 8

It is proposed that a lease for forty years, at the rent of £12 per annum shall be granted by the master of the hospital, under the directions of the court of Chancery, in pursuance of the provisions of the act of parliament, to Thomas Hardy, of the premises in his

tenancy, comprised in No. 21 and the four following numbers, in consideration of the money which he has expended in building four new houses. It is also intended in other instances to grant leases for twenty one years, which the master of the hospital is empowered to do, in the manner directed by the act, without an application to the court. The tenant of No. 73 holds the premises comprised therein under a written agreement for fifteen years. All the other tenants hold their respective premises from year to year.

The rents of the estates, some of which have been raised since Lady-day, 1826, are stated by Mr. Edward Staveley to be in general of fair amount.

It will be observed that several of the houses are described in the rental as being unoccupied, which in most of those instances is occasioned by the very ruinous state of the buildings. Many others of the houses are also in a delapidated state, and particularly the Flying Horse Inn, No. 1 is mentioned as being scarcely habitable. The rent of this inn has been raised since the passing of the act from £63 to £100 per annum, on an understanding that it was to be repaired out of the funds of the charity, and plans and estimates for the repairs, both of the house and the out-buildings belonging to it, have been laid before the master in chancery, to whom the cause stands referred, but we are informed that they have not been approved of by him, in consequence of the largeness of the expense proposed to be incurred in proportion to the rent expected to be obtained for the premises, if those plans should be carried into effect.

The rents of the four houses which have been lately erected in Fisher-gate, at an expense of £950, amount to no more than £37 4s. per annum, being rather less than four per cent. on the money thus expended.

It appears very desirable that some mode should, without delay, be adopted, under the sanction of the court of Chancery, of gradually bringing the buildings on the property into a better state of repair, either by granting repairing leases, by raising a further sum by mortgage, under the provisions of the before-mentioned act of parliament, or by appropriating a part of the funded property belonging to the charity to this purpose.

The stock belonging to this charity is now of the same amount as it was in 1815, viz. £6,510 11s. 5d. consolidated three per cents. standing in the name of the accountant-general, the dividends of which amount to £195 6s. 4d. per annum. By the before mentioned order of 4th March, 1816, the dividends of the stock were appropriated, in the first instance, to the payment of the annuities to the eighteen additional out-pensioners; but it may be a point



deserving consideration, whether it would not be more advantageous to the charity that this stock, or a part thereof, should, with the permission of the court, be sold, and the produce applied towards the rebuilding and repairs of the houses on the estate, than that a further sum should be raised by mortgage, under the powers of the act.

It appears from the before-mentioned master's report of 9th February, 1822, that the expenses of the rebuilding and repairs of the houses and buildings on the charity estate (exclusively of the hospital) were estimated at £8,387 4s. Of the sum which has been raised under the provisions of the act, no more than £950 has hitherto been applied to this purpose, and the remaining balance of this fund is only £465 4s. 11d.; we apprehend, therefore, that it is doubtful whether, until such rebuildings and repairs shall have been completed, the full number of thirty out-pensioners can, with reference to the general interests of the charity, be maintained, it being of great importance that there should be a reserved fund for the gradual reduction of the money borrowed on mortgage.

The newly erected hospital, the building of which was commenced in 1823, and finished in 1824, in the same situation as the old one, contains thirteen dwellings of one room each, with a yard and drying ground behind.

The rents are received by Henry Percy, esq., solicitor, of Nottingham, who pays to each of the thirteen widows in the hospital £1 2s. 6d. on the first day of every month, and six-pence on New Year's day, which payments amount to £175 10s. 6d. per annum, and provides for each of them annually a ton of coals and a gown. In the year ending at Lady-day, 1827, the cost of the coals thus furnished was £10 11s. 6d., and of the gowns £12 7s. An annual sum of £2 is also paid by Mr. Percy for the water-rate for the hospital; payments are made by him for the repairs thereof, and of other buildings on the charity estate, which, in the year ending Lady-day, 1826, amounted to £99 13s. 5d., and in the following year to £99 13s. 7d., and he retains the annual salary of £15 allowed by the order of 15th December, 1798. The surplus of the rents remaining after these disbursements, is remitted by Mr. Percy to the bankers, in London, of the master of the hospital, and an annual account of his receipts and disbursements is sent by him to Edward Samuel Hardesly, esq., solicitor, in London, by whom the general annual account of the master of the hospital, including that of Mr. Percy, is made out and passed annually before the master in Chancery. In this general account credit is given for the sums received for rents, and for the dividends on the before-mentioned £6,510 11s. 5d. consolidated three per cents., and it contains, in

addition to the disbursements made by Mr. Percy, the payments to the thirty out-pensioners of the hospital, amounting to £300 per annum, the stipend of £10 per annum allowed to the master of the hospital, as before mentioned, an annual sum of £11 16s. paid for the insurance against fire of the buildings of the portion of the estate comprised in the mortgage lately made for securing the sum of £3,400 borrowed under the provisions of the act of parliament, and the costs of passing the account, which for the year ending at Lady-day, 1826 (being the last account thus passed), amounting to £18 14s. 10d. The total amount of the expenditure for that year was £564 16s. 5d.

The interest payable on the said £3,400, being £132 per annum will form an item amongst the disbursements in the accounts to be passed in future.

The balance of the annual account, which has of late years been in favour of the charity, has been in some years carried forward to the next year's account, and in others has been paid into court. At the commencement of the account for the year ending at Lady-day 1826, there was a balance brought forward of £398 16s. which at the close of that account was increased to £545 11s., and the latter sum was, in July, 1827, being shortly after the allowance of that account, paid into court in the name of the accountant-general, to the credit of the cause of "the attorney-general against Plumptre." It should be observed that the account to which these balances are paid, is distinct from the before mentioned account, to which the sums received by sale or mortgage under the act of parliament are carried, the present balance whereof has been already stated. On the account of the master of the hospital for the year ending at Lady-day, 1821, there was a balance due to the charity of £331 3s. 4d., which, in consequence of an error, was not carried forward to the following year's account; and this sum now remains due from the present master of the hospital as the executor of his father, the late master.

A petition has lately been presented to the court of Chancery by the present master, the principal objects thereof being that he may be enabled, as such executor, to pass his father's accounts to the time of his death; that he may be permitted out of the above mentioned balance of £331 3s. 4d. to discharge certain demands of the architect employed in the erection of the hospital for plans &c.; that he may be allowed to retain the interest of the sum of £3,400. advanced by him on mortgage; and that the salary of the receiver of the rents at Nottingham may be increased from £15 to £25 per annum. On the matters contained in this petition a reference has been

ordered to the master of the court, to whom the cause relating to the charity stands referred.

The widows who reside in the hospital, and those who are out-pensioners, are old and poor persons, nominated by the master thereof for the time being. The instruments of foundation contain no direction as to the mode of appointing the widows as inmates of the hospital, nor any limitation as to the place or district from whence they were to be selected, but we are informed that they have usually been taken from the town of Nottingham, or the neighbourhood thereof.

In the appointment of the out-pensioners a different course has been pursued. It has been already stated, that the admission of the latter to a portion of the benefit of the charity commenced in the time of the master of the hospital lately deceased, in the year 1806, without the authority in the first instance, of an order of the court of Chancery, although it seems that a proposal had been made to that effect, and approved of by one of the masters thereof; and that the appointment of out-pensioners was afterward recognised by an order made in 1816, under which their number was increased from 12 to 30. The original introduction, and the subsequent extension of this mode of applying a part of the income appears to have been grounded on the increase of the revenues of the charity, which were found to be sufficient to maintain a larger number of widows, than could be accommodated in the hospital. No directions were given by the court, as to the mode of appointing the out-pensioners, and the master of the hospital appears to have considered himself at liberty to select them from any part of England at his discretion. Of the present thirty out-pensioners twenty-six live at or near Fredville, in the county of Kent, where the late master of the hospital resided, and the present master resides, and two more at or near Tonbridge Wells, in the same county; one is an inhabitant of Claypole, in the county of Lincoln, and one in some place in the county of Dorset.

Although no directions were given by the founder as to the selection of the widows who were to receive the benefit of this charity, it may be presumed that he had in contemplation those who resided in or near the town in which he himself resided, and in which the property given by him was situate, and we apprehend that until a late period the advantages which were to be obtained by becoming an inmate of the hospital were insufficient to have induced poor widows residing at a distance from Nottingham, to become candidates, even if considered eligible. We learn from a MS. history of this hospital, which is stated to have been compiled by one of the Plumptre family, that at the time of the dissolution of

the chantry, in the reign of Edward VI., no widows were maintained in the hospital; that previously to 1645, each of the widows, then seven in number, received only a penny a-day; that in that year their allowances were increased to 2s. 10d. each per month, with the addition of six-pence each on New Year's day; and that in 1650 (in which year the hospital was rebuilt by Huntingdon Plumptre, the then master), the widows' monthly allowance was raised to 5s.

It appears from the proceedings in Chancery that no subsequent increase of this allowance took place until 1752, from which time, to the year 1806, it was gradually advanced to its present amount. In the last mentioned year, the first appointment of out-pensioners took place; and as the benefits of this charity appear to have been, until that period, confined principally, if not wholly, to poor widows selected from the town of Nottingham, or its neighbourhood, it is to be regretted that some directions were not obtained from the court of Chancery, as to the authority which the master was to be at liberty to exercise in the nomination of the out-pensioners.

Under these circumstances, it appears to us to be a question which, either by an application to be made in the now existing cause, or by new proceedings to be instituted, ought to be submitted to that court, as not having been yet brought under its consideration, whether the course hitherto pursued in the nomination of the out-pensioners ought in future to be continued, by means of which so large a portion of the annual income of this charity as £300 is applied in the payment of annuities of £16 to widows chosen at the discretion of the master of the hospital, of which they are nominally out-pensioners; and whether the county of Nottingham ought not to be considered entitled, rather than the county of Kent, to a principal share of the benefit of this branch of the charity.

Over the western entrance used to be the following Latin inscription, which was preserved by Thoroton:—

*"Xenodochium hoc cum sacello adjuncto in honorem Annunciationis B. Virg. Mariæ, pro 13 pauperiorum Viduarum & 2 Sacerdotum alimonia Johannes de Plumptre fundavit, A.D. 1390. Quod (temporis diuturnitate jam pene confectum) instauravit denuo et hac qualicunq. structurâ se sibi restituit Huntingdonus Plumptre, ex familia fundatoris, Armiger & ejusdem Hospitii Magister. A.D. 1650."*

In a note on this inscription, Deering makes the following remarks:—"This inscription might be somewhat worn in Thoroton's time, so that he might easily mistake the round of the 2 for a cypher; the license being obtained in 1392." That Thoroton mistook the cypher for a figure there seems little doubt, and that Deering is also wrong in his correction is also certain, as the license

was obtained the 16th of Richard II., which was in 1393. This error is preserved too upon the stone, which contains the subsequent inscription. (a)

The stone containing the above inscription being very much defaced, it was taken away, probably when the alterations were made in 1753, and one containing the following was placed in its stead :—

**“ PLUMPTRE HOSPITAL,**

Originally founded and endowed for the support of a master and a priest, and thirteen poor widows, by John de Plumptre, in 1392. When almost decayed, it was in part renewed by a descendant of the founder, Huntingdon Plumptre, esq., 1650.

“ Besides other great improvements, four new tenements were added by his grandson, John Plumptre, esq., deceased, in 1751. His son, John Plumptre, esq., repaired the old buildings and added two new tenements, thus completing the charitable design of the benevolent founders. A.D. 1753.”

In the front of the present elegant structure is a tablet bearing the following inscription :—

**“ PLUMPTRE HOSPITAL,**

Founded and endowed for the support of a Master, a Priest,  
and thirteen poor Widows,

by John de Plumptre, A.D. 1392.

Repaired by Huntingdon Plumptre, Esq., 1650.

By John Plumptre, Esq., A.D. 1751

By John Plumptre, his son, A.D. 1753.

First stone of the present Hospital was laid on the 1st of August, A.D. 1823,  
by the Rev. Charles Thomas Plumptre, Rector of Claypole,  
in Lincolnshire, on behalf of his father, John Plumptre, of Fredville,  
in the county of Kent, Esq., the Master or Guardian of the said Hospital,  
and a descendant of the Founder.”

Above this tablet are the arms of the Plumptre's, bearing the following motto in Latin, “ Sufficit Meruisse.”

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## BOOK VII.

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### CHAPTER I.

Having deposed Richard II., Henry Bolingbroke, duke of Lancaster, ascended the throne, under the style and title of Henry IV., and was crowned a fortnight after, on the anniversary of the day

(a) Dugdale, in his “ Monastecan,” says the license for the founding of this hospital was obtained in 1400.

he went into banishment; though Richard II. had been stripped of every attribute of royalty, he was not permitted to take part in, or be a spectator of the coronation of his cousin Bolingbroke, but was still confined a close prisoner in the tower.

Immediately on his accession, Henry IV. summoned a new parliament; John de Plumptre and John Tauntsley were returned for the town, and John Gaytford and Wm. de Leek for the county. This parliament was very obsequious to the wishes of the sovereign. The king's eldest son was created prince of Wales, duke of Guienne, Lancaster, and Cornwall, earl of Chester, and declared in parliament the heir-apparent to the throne. The name of the *real* heir, the earl of March, was not so much as mentioned; he and his brother were kept in honourable confinement in the royal castle of Windsor. Before the close of this session of parliament, the lords spiritual and temporal were charged by the archbishop of Canterbury, on the part of the king, to keep the resolution they were about to make, an inviolable secret; and then the earl of Northumberland delivered to them a message, asking their advice respecting the future treatment of the deposed monarch, whose life the king was determined to preserve at all events. They answered that he should be conducted secretly to some castle, where no concourse of people might assemble; should be placed under the custody of trusty officers, and excluded from all communication with such as had formerly been in his service. Four days after this the king came into the house, adjudged the unfortunate Richard to imprisonment for life, 27th October 1399, and parliament was then dissolved. The same members were returned for Nottingham in the next parliament. The work of blood had now began in earnest, rendered necessary by the numerous plots and treasons that were continually forming against the throne and government of the king. Before the end of January it was well known that Richard had *expired* at the castle of Pontefract. The general belief was that he had been starved to death by order of the king, and that he had lingered fifteen days before he expired. Another account says he was assassinated there.

Stephen Rumbylowe appears to have been constable of the castle 31st of Edward III., 1557, if he were not *deputy*-constable under some greater personage. When he was removed, or who had charge of the castle during the reign of Richard II. is not now known, but in the 8th of Henry IV., 1407, Richard Grey, great-grandson of the former Richard, was constable of Nottingham castle, and chief ranger of the forest of Shirewood for term of life. In the 14th of this king he was constituted governor of the castle of Frounsac, in the duchy of *Aquitain*; the same year, being lord

chamberlain to the king, he was joined in commission with *Thomas* bishop of Durham, and others, to treat with the ambassadors of John, duke of Burgundy, for a marriage between prince Henry and the lady Anne, daughter of that duke; and after, when the prince attained the crown, in the second year, he was again commissioned, with the bishop of Durham, to treat with the French king about a marriage betwixt Catherine, the daughter of the said king, and king Henry V. He was likewise employed to treat with the Scots, about a truce by sea and land. In the 4th of this reign, he was made warden of the east marches; in the 5th of the same king, governor of the castle of Argentines, in the duchy of Normandy, but died the year following. This great man was twice in the wars of France in the reign of Richard II., viz. the 17th and 21st inst.; the 2d of Henry IV. he was first made admiral of the king's fleet northward, and afterwards constituted, jointly with sir Richard le Scroop, governor of the castle of Argentines, in the duchy of Roxborough, in Scotland, and next year he was sent into France upon the king's service, and was, the 5th of Henry V., made justice of South Wales.

Thomas Maubray, by courtesy, enjoyed the title of earl of Nottingham, as the eldest son of Thomas Maubray, who had been created duke of Norfolk by Richard II. He also held the dignified office of marshal of England, by inheritance. He married Constance, daughter of John Holland, earl of Huntingdon, and duke of Exeter. This lady dying soon after marriage, he married Elizabeth, daughter of John of Gaunt, duke of Lancaster, to his second wife, but left no issue by either. In the 7th year of Henry IV., Percy, the old earl of Northumberland, had got up a formidable insurrection against the king, which was joined, among other great men, by Scroop, archbishop of York, and Thomas, earl of Nottingham; they posted themselves at "Shipton-on-the-Moor," at the head of 8,000 men. Prince John and the earl of Westmoreland came suddenly upon them, and both the archbishop of York and the earl of Nottingham were taken prisoners, loaded with chains, and carried to the king, who was then at Pontefract castle.

Henry intimated to the chief justice Gascoigne that he must pass sentence upon them as rebels and traitors, taken in arms; but that upright judge refused; because the prelate's life was exempt from the jurisdiction of *lay* courts, and because both he and the earl of Nottingham had a right to trial by their peers. One Fulthorpe, a knight, and probably a lawyer, was less conscientious than the judge, and without any formal trial, condemned them both to be beheaded. Bishops had been loaded with fetters, thrown into noisome dungeons, starved or tortured to death before now, but the

axe of the executioner had never yet publicly severed a mitred head in England. Henry had made up his mind to the startling novelty, and they were executed immediately. York died protesting to the last he merely wanted a redress of grievances, and that he never intended evil against the person of the king. This took place A.D. 1405, and the earldom of Nottingham again lay in abeyance twenty years, till 1425.

About this time the Welsh made determined opposition against the English, under Owen Glendower. Henry rapidly marched with his army towards Wales, at the head of 30,000 men, where his gallant son prince Henry, after achieving several victories, was hard pressed by a superior force. In the end the Welsh were subdued, and Henry, prince of Wales, having taken Owen Glendower, son of the valiant chieftain of that name, committed him prisoner to Nottingham castle, where he remained six years, and then was removed to the Tower, in London, 1411. In his "Original Letters," Ellis mentions a collection of unpublished manuscripts in the British Museum, in which are letters from Henry IV., dated 21st March, to Richard Grey, of Codnor, constable of the castle of Nottingham, commanding him to deliver to the constable of the Tower of London, Gryff ap Owein Glendawrdy, and Owan ap Gryff ap Ricard, his prisoners; with another mandate to the constable of the Tower, to receive the captives.

During one of the times that Henry IV. sojourned here, a single combat was appointed to be fought between a Frenchman and an Englishman; but for some reason unexplained, it did not take place.

The whole reign of Henry IV. was one of tumult, alarm, war, confiscation, and blood; and though he was by no means of a cruel disposition, yet his was a sanguinary reign. His good fortune never forsook him, and though he lived in perpetual fear, he was not overthrown. Insurrections and wars rapidly succeeded each other, which plunged him into expenses it was not in his power to defray with the ordinary revenue of the crown, and he was obliged to have continual recourse to parliament for money. This reign supplies the first example of a capital execution for the theological crime of heresy. Henry proclaimed himself the *protector* of the church against the assault of the dissenters, who in those days were called *Lollards*. Persecuting acts now passed through parliament, and Wm. Sawtre, rector of Linn, was burnt to death, 2d March, 1401.

Domestic trouble and the anxiety of his mind wore down the king's health, and in his 46th year he manifested symptoms of declining age. His last fit seized him while he was praying in St.



Edward's chapel, Westminster; he was carried to the abbot's chambers, where he expired on the 20th March, 1413, after a sad reign of fifteen years.

Nottingham was, no doubt, the place of Henry IV.'s rendezvous many times, during his marchings and counter-marchings in the north; and like many of his predecessors, this king resided for some time, and held his royal court, at the castle in Nottingham.

There is a famous spring of water near Nottingham, which has for many centuries been constituted a bath, and is said to be the second coldest in England; it was anciently called "*Robin Hood's well*." 1409, Henry IV. built a chapel here, which was dedicated to "St. Anne;" however, it appears to have been regarded in all past ages more as a place of merriment than of christian worship, and the sylvan bowers by which it was surrounded were more frequently the scene of youthful recreations and impassioned love, than of solemn prayer, that we can hardly think the new name of "St. Anne" being given to this well, was more appropriate than its more ancient one of "*Robin Hood's well*." Indeed public custom, as well as opinion, seems to have denounced the sacrilege, and to have preferred the old patron rather than the new saint; for the chapel did not exist here quite 200 years, and after its destruction, on the same site there was erected a *public house*. The east end of that *quondam* chapel is now the east end of the house, and a large fire-place occupies the room where once the altar stood; and higher in the wall (according to Mr. Ellis, watchmaker, of this town, ninety years ago), there was a stone with a date engraved upon it, 1409.

The people who kept this public-house had an old wicker *chair*, which was called Robin Hood's chair, a *bon*, and an *iron cap*; these reliques were affirmed to have been the property of the famous Robin Hood, and were said to have been the means of drawing multitudes from curiosity to the place, and procured the mayor's woodward, who kept the public-house there, a deal of custom, especially at Christmas, Easter, and Whitsuntide, when husbands and fathers took their spouses and children to enjoy the sports of the seasons; also young men led their sweethearts to mix in the busy throng, and, according to tradition, the fair ones thought themselves slighted by their lovers, if they were not forced to sit down, and then be saluted in Robin Hood's chair.

The following is from an old author quoted by Deering, p. 73:—

"At St. Anne's well there is a dwelling-house, serving as an habitation for the woodward of those woods, being an officer of the mayor. This house is likewise a victualling-house, having adjoining to it fair summer-houses, bowers, and arbours, covered

by the plashing and interweaving of oak boughs for shades, in which are tables of large oak planks, seated about with banks of earth fleightered, and covered with green sods, like green carsie cushions. There is also a building, containing two fair rooms; an upper and lower one, serving for such as repair thither, to retire in case of rain or bad weather—thither do the townsmen resort by an ancient custom beyond memory.

“This well is all summer long much frequented, and there are but few fair days, from March to October, in which some company or other of the town, such as use to consort there, use not to fetch a walk to this well, either to dine or sup, or both, some sending their provision to be dressed; others bespeaking what they will have; and when any people of the town have their friends come to them, they are considered to have given them no welcome, unless they entertain them at this well. Beside, there are many meetings of gentlemen, both from the town and county, making choice of this place, rather than the town, for their rendezvous to recreate themselves at, by reason of the sweetness and openness of the air. Where, besides their *artificial*, they have the *natural* music of the woods without charge; in the spring, the nightingale, and in the autumn, the woodlark: a bird whose notes for variety and sweetness, are nothing inferior to the former, which, filled with the voices of other birds, like inward parts in song, serve to double the melodious harmony of those sweet warbling trebles. Here are, likewise, many venison feasts, and such as feed not the sense of taste, with the flesh thereof when dead, yet may fill their sight with those creatures living, which all summer long are picking up weeds in the corn fields and closes; and in winter, and hard weather, gathering sallads in the gardens of such houses as lie north of the town.

“Among other meetings, I may not omit one royal and remarkable assembly at this place, whereof myself was an eye-witness, which was, that it pleased our late sovereign, king James II., in his return from hunting in this forest, to honour this well with his royal presence, ushered by that noble lord Gilbert, earl of Shrewsbury, and attended by others of the nobility, both of the court and country, when they drank the woodward and his barrels dry.”

There is every degree of probability that this was a rendezvous for Robin Hood, and his merry men; its situation (observes the author of “Walks round Nottingham,” p. 289), must have been peculiarly adapted for it. Its near proximity to the town, rendered intercourse with it of no great difficulty, and the thickness of the forest in this place, formed a secure barrier against attack; and

when we consider the unquiet times of Richard I. and John, and the strong band which the gallant archer commanded, there can be no great wonder excited at the circumstance of his being able to maintain his ground against every antagonist. Several articles said to have belonged to the outlaw, and which for ages had been exhibited here, were purchased in 1827, by Mr. Raynor, the comedian, and introduced into a melo-drama at one of the London theatres.

In latter days the healing virtues attributed to this spring of water, gave it value in the estimation of the holy mother church, and a building was erected here, called St. Anne's chapel, the priests of which demanded a fee of every one using the water. We visited this place 23rd April, 1839, in company with a friend; it was a lovely morning, and resuscitated nature arising from the langour and death-like faintness of steril winter was assuming her gayest attire, every flower, every leaf, every opening bud of rarer trees, and even the unheeded thorn, sent forth the sweetest aroma, and filled the air with perfume. Arriving at the humble cottage, there were the lofty hills and the lovely valley, but where—where the coppice? The well is there, it is a bath, and has a dressing room, both excavated out of the rock; the spring is as strong, and the water as clear as in the days of Henry IV. or bold Robin Hood; but where are the sylvan bowers—the umbrageous glens, and all the gay delights and laughing pleasures of woodland scenery? they are gone—and gone for ever.

There is the same cottage called "*St. Anne's*," but it is not the residence of the mayor's woodward now; a widow of the name of Lucy Picard inhabits it, who entertains parties at very moderate charges; there is a very fine large room with board floor, detached from the cottage, in which nearly one hundred people might take tea or dinner. In consequence of sabbath breaking, fights and tumults so often happening, it was found expedient to remove the license in 1825, and there is now nothing intoxicating sold on the premises; there is a delightful garden and pleasure ground, in which the company are allowed to walk, and there are swings for young people to amuse themselves; but the rarest object of attraction is the ingeniously formed maze cut out in the green sward. Hence the party, whether girl or boy, who undertakes to *run the Shepherd's Race*, must run, or they would fall or tread upon the grassy side, which is to lose the race, and the constant turning and winding about of the path-way awakens the utmost vigilance in the breast of the earnest aspirant of youthful fame. No sight is more pretty or engaging than to behold six or eight

young girls and boys running at the same moment the varying and seemingly interminable windings of the *Shepherd's Race*.

In the reign of queen Anne a person of the name of Robert Purcell, a native of Ireland, came to Nottingham, to cultivate waste lands, and to grow the *field potatoe*, before that time this root had been cultivated only in gardens; he took up his abode in the neighbourhood of the town, at the house of St. Anne, which was then, as we said, a public house, and kept by Mrs. Blee. The Irishman had permission granted him to clear away the under-wood, of a piece of land in the coppice, which he planted with potatoes, his crop was abundant and he realized great profits, which stimulated others to follow his example, and the culture of field potatoes soon after became common. This man afterward settled in the town as a market gardener, and was commonly known by the name of "*Potatoe Robin*," he died in 1749.

On the morning of 22nd Sept. 1741, an occurrence, happily of no common kind in this country, took place here; John Clarke, a young man, servant with widow Blee, at St. Anne's, hearing a noise among his mistress's poultry in the farm yard, as it was past midnight, and had little doubt of thieves being about, he got up and went down stairs into the little yard, which he had scarcely entered, when a gun was fired at him, by which his skull was literally blown to atoms, but the murderers escaped detection, and nothing further was known or heard of the dreadful catastrophe till 26 years had elapsed. In 1767, a frame-work knitter of the town, John Shore, gave information to the magistrates, that, to his certain knowledge, the murder was committed by John Wilkins, James Cuff, and two brothers, all soldiers in General Churchill's regiment of dragoons, then, in 1741, quartered in the town, and that he knew they had been out deer stealing, but having been unsuccessful, they determined to have some of Mrs. Blee's geese on their return, in this they were disappointed by the appearance of the servant, the unfortunate John Clarke. Wilkins and Cuff were immediately arrested in the neighbourhood of London, being then out-pensioners of Chelsea Hospital, and were brought to Nottingham and lodged in the town jail; but as other parties were dead who might have witnessed against them, sufficient evidence was not obtained to convict, and they were suffered to escape from an earthly tribunal; but soon after, on his death bed, one of them confessed his own guilt and that of his three companions, so true is it that "murder cannot be hid."

On the summit of a hill about a quarter of a mile eastward of St. Anne's was formerly the site of *The Old "Shepherd's Race,"* or "*Robin Hood's Race*," it was cut out of the turf, like the more

modern one of which we have been speaking. The length of this was 535 yards, and cut out in a small plot of ground of about 24 square yards. Dr. Stukely was of opinion that this maze was of Roman origin, which, notwithstanding what Dr. Deering says, we think very probable; it being made similar in its plan and execution to others known to have been formed by the ancient Greeks and Romans, who often made such intricate courses for their youth to run in, to acquire agility of body. Dr. Stukely in his itinerary, speaks of one of Roman origin at Aukborough, in the county of Lincoln, called "*Julian's Bower*," which comes pretty near ours in construction, he says, it is a kind of circular work, made of banks of earth in fashion of a maze or labyrinth, and that boys to this day divert themselves by running in it, one after another. This original work of art was ploughed up, 27th of Feb. 1797, the lordship of Sneinton, in which it was situated, being at that time under enclosure. The following stanzas, on St. Anne's Well, with which we close our remarks, are from the pen of our townsman, Mr. Richard Howitt, and inserted in a popular and talented publication, styled, "Walks round Nottingham, by a Wanderer," p. 294 :—

" Old oaks, which stood a thousand years,  
Have left thee in a younger shade;  
For still thy streamlet flowest on,  
Nor ever yet has staid.

And he who hither came and quaffed—  
Old Robin Hood, the outlaw brave,  
For many a hundred summers gone,  
Has filled a quiet grave.

The Round-head and the Cavalier,  
All hence unto the dust are gone;  
Whilst thou, still gushing pure and clear,  
Are blithely running on.

Here pleasure has her devotees,  
Which once in ancient days were thine;  
But now, no more on bended knees,  
They worship at thy shrine.

They count no beads, but lightly laugh,  
And joyous groups here dance and sing;  
Far stronger liquor do they quaff,  
Than bubbles from thy spring.

Flow on—flow on, beneath the boughs,  
Though scorned thy patron saint may be,  
Fond lovers here shall breathe their vows,  
And memory dwell on thee."

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## CHAPTER. II

Henry IV. granted a charter to Nottingham, of which the following is a translation :

"Henry by the grace of God, king of England, France and Ireland, duke of Aquitain ; to all archbishops, bishops, abbots, priors, earls, barons, justices, sheriffs, reeves, officers, and all his bailiffs and faithful subjects, greeting.

And we being well pleased with all and singular the grants, confirmations, and restitutions aforesaid, do, for ourself and our heirs, as far as in us lies, accept, approve, and ratify, and do grant and confirm the same, to our said beloved burgesses and their successors, burgesses of the said town, as the charters aforesaid reasonably make appear. And furthermore, being willing to confer a still greater favour on the said burgesses, we have, of our especial grace, for ourself and our heirs, granted to the said burgesses, as far as in us lies, that notwithstanding they or their predecessors may not on some occasions have made full use of the liberties and acquittances in the aforesaid charters contained,—nevertheless, that they, their heirs and successors may enjoy and use the liberties and acquittances aforesaid, without hinderance or molestation of us, our heirs, excheators, bailiffs, or other officers of us or our heirs whomsoever. Furthermore, being desirous on account of their manifold deserts, to confer a still greater share of our favour upon the mayor, bailiffs, and burgesses, of the said town, their heirs, and successors, we have, of our own certain knowledge, especial grace, and with the consent of our privy council, for ourself and our heirs, granted, and by this our charter do confirm, to the said mayor, bailiffs, and burgesses, that they, their heirs and successors, shall for ever have cognizance of all pleas, by the mayor and bailiffs of the said town for the time being, or such others as they shall appoint, (to wit) as well of all lands, tenements and rents within the said town, as of trespasses, agreements, contracts, matters of trade, arising and made within

the liberties and precincts of the said town, and of which persons holding of, or residents within the said borough shall be parties. And also of pleas of assize and tenures within the said liberty that shall happen to be taken, assigned, or arraigned before the justices of us or our heirs at the assizes for the county of Nottingham, and that the justices themselves when the cognizance of such pleas shall be demanded in proper form, on the part of the said mayor, bailiffs, and burgesses, shall accede to the same, and forthwith deliver up to the said mayor and bailiffs, or whom they may appoint, the said pleas, original writs and processes, if any such have been had. And that the said mayor, bailiffs, and burgesses, their heirs and successors, shall for ever have the chattels of felons and fugitives for crimes committed on or against tenants of, or residents within the liberties aforesaid. Or if any one ought, for any crime, to lose life or limb, or do flee to avoid judgment thereon, or hath been guilty of any offence, for which he ought to forfeit his chattels, let what court soever have cognizance of such offence, our court, or that of our heirs, or any court whatsoever, the chattels of such felons and fugitives shall, nevertheless, belong to the mayor, bailiffs, and burgesses, and their heirs and successors:—and it shall be lawful for them and their officers, without any hinderance from us, our heirs, sheriffs, bailiffs, and other our officers, to seize the chattels aforesaid, and keep the same to the use of the said mayor, bailiffs and burgesses, and their heirs and successors aforesaid. And we further grant that the said mayor, bailiffs and burgesses, and their successors, shall for ever have all fines for trespasses, and other offences whatsoever:—all post fines, amerciaments, issues of pledges forfeited and to be forfeited, year-and-day wastes, estrepement, and all things that could pertain to us and our heirs, of the said year-and-day waste, murders, men and tenements of the said town, as well such as shall be taken amerced, levied, and adjudged in our court of exchequer, before our justices of bench, the steward and marshall of the household of us and our heirs for the time being, as also before the justices itinerant for the trial of common pleas and pleas of the forest, or any other justices or ministers belonging to us or our heirs, as well in the presence as in the absence of us or our heirs; which said fines, amerciament, issues of pledges, year-and-day wastes, estreplements, &c. as aforesaid, would otherwise have belonged to us or our heirs, had the same not been granted to the mayor, bailiffs, and burgesses aforesaid, and that the said mayor, bailiffs, and burgesses levy and receive the said fines, amerciaments, issues, forfeitures, &c. as aforesaid, by themselves and ministers, without any let or hinderance of the justices, excheators, sheriffs, coroners, bailiffs, or other officers whatsoever

belonging to us or our heirs. And we likewise grant that the said mayor, bailiffs, and burgesses for ever have the return of all writs and summonses issuing from the exchequer of us and our heirs, and of attachments, as well in pleas of the crown as in all other cases whatsoever within the limits of the fee of the town aforesaid, and the execution of the said writs and summonses ; and that no sheriff, bailiff, or other officer of us or our heirs, do enter into the liberty aforesaid for the purpose of executing such writs and summonses, or attachments of pleas of the crown, or other attachments, or do any other duty there, except in default of the said mayor, bailiffs, and burgesses, and their heirs and successors. And we also, for ourself and our heirs, of our own certain knowledge, and with the consent aforesaid, have granted to the said mayor and burgesses, and their successors, that they have all perprestures of lands, waters, and wastes, that now are, or hereafter may be deemed such, within the limits and boundaries of the town aforesaid, in support of the burthens and daily exigences of the same. And we have likewise granted, that they, their heirs and successors as aforesaid, have for ever power to hear, determine, correct, and punish (by the mayor, recorder, and four other good and lawful men, to be chosen by the mayor of the said town for the time being, and his successors for ever) all matters, complaints, defaults, causes and articles cognizable by justices of the peace, of labourers and artificers, in as full and ample manner as justices of the peace of the county of Nottingham have heretofore had and exercised. Moreover, that our justices of peace of labourers and artificers of the county aforesaid, shall not in any wise hereafter take cognizance of any things, causes, plaints, matters, defaults, or other articles whatsoever, belonging to such justices within the town aforesaid, and the jurisdiction of the same; but nevertheless, that the aforesaid mayor, recorder, and four good and lawful men of the said town aforesaid, may not proceed to determine any felony, without special mandate of us or our heirs. And that the aforesaid mayor, bailiffs, and burgesses, and their heirs and successors for ever, have all fines, issues, amerciements, and profits - - - awarded by the said justices, as fully as the mayor, bailiffs, and burgesses of the town of Coventry have had the like, by virtue of charters of the kings of England, before the sixth day of April, in the twenty-second year of the reign of the aforesaid late king Richard II. and by him ratified and confirmed. And furthermore, whenever hereafter an array of bow-men or light horse, shall, by virtue of a commission or mandate of us or our heirs, be made within the said town of Nottingham, the mayor thereof for the time being, shall be joined in such commission or mandate with other



persons assigned by us to make such array, and without he be so joined, no such array shall in any wise be made. And we will and grant, for us and our heirs, with the consent aforesaid, that the said mayor, bailiffs, and burgesses, and their heirs and successors, shall not on any account be denied, restrained, diminished, or abbreviated in the enjoyment of either or any of the franchises, liberties, privileges, immunities, easements, and acquittances granted to the mayor, bailiffs, and burgesses of the said town of Nottingham by our ancestors, and confirmed by us to the now mayor, bailiffs, and burgesses of the said town:—but that the said mayor, bailiffs, and burgesses, and their successors, shall for ever have, hold, and exercise those franchises, liberties, privileges, immunities, easements, acquittances, and customs in every respect as fully as the mayor, bailiffs, and burgesses of the said town of Nottingham, their predecessors, have, by grant and confirmation of our ancestors, for ever had and enjoyed.

“ *Witness,*

T. CANTERBURY, Primate of all England  
R. EBOR, Primate of England.

R. LONDON.

W. WINCHESTER.

I. ELY.

H. LINCOLN.

EDMUND DUKE OF YORK, our beloved  
Uncle.

THOMAS WARWICK.

HENRY NORTHUMBERLAND.

JOHN NORBURY, our Treasurer.

WILLIAM ROOS HAMELACK.

WILLIAM WILLOUGHBY.

JOHN COBHAM.

THOMAS ERPINGHAM, our Chamberlain

THOMAS REMPSTON, Steward of our  
Household.

RICHARD CLIFFORD, Keeper of our  
Privy Seal AND OTHERS.”

“ Given under our hand, at Westminster, the eighteenth Day of November, in the first year of our reign.”

We take the liberty of correcting an error, into which Deering, Throsby, and Blackner (a) have fallen respecting this charter,

(a) Dr. Deering, p 112. Throsby, p 39. Blackner, p 256.

which authorizes the mayor, recorder, and four others whom the mayor shall choose, justices of the peace, to act in as full and ample a manner as the justices of the county of Nottingham have hitherto had, and exercised, and prohibiting the county magistrates from acting in the affairs of the town. This charter the above-named historians ascribe to king Henry V., and to which some, if not all, affix the date 1413. This cannot possibly be correct, as the following facts will clearly show:—The charter is witnessed by sixteen persons, in manner thus: Thomas Canterbury, Primate of all England, R. Ebor, Primate of England, R. London, W. Winchester, J. Ely, H. Lincoln, Edmund, duke of York, our beloved uncle, Thomas Warwick, Henry Northumberland, John Norbury, our treasurer, William Roos Hamelack, William Willoughby, John Cobham, Thomas Erpingham, our chamberlain, Thomas Rempstone, steward of our household, Richard Clifford, keeper of our Privy Seal. Of these noblemen and gentlemen, ten were either dead or held offices of a different description at the *accession* of king Henry V., consequently, could not as such, witness a charter granted in 1413, and in proof of this we have set down some particulars of each of the persons who subscribed their names to this grant:

1st, Thomas Canterbury, this was Thomas Fitzwilliam, usually called Arundel, from his being a son of lord Arundel; he crowned king Henry V., and died in 1414.

2nd, R. Ebor, was the well known Richard Scroope, archbishop of York, who was beheaded for treason in 1406, see p. 366.

3rd, R. London, was Robert Braybroke, who was bishop of London at the accession of king Henry IV., and died in 1403.

4th, W. Winchester, was the famous William de Wykeham, the founder of New College, Oxford, and bishop of Winchester at the accession of Henry IV., he died in 1404.

5th, J. Ely, was John Fordham, bishop of Ely, who died in 1426.

6th, H. Lincoln, this bishop of Lincoln was Henry Beaufort, brother to king Henry IV., he was translated to the see of Winchester in 1405, consequently he could not sign as bishop of Lincoln in 1413, as the above historians have it.

7th, Edward, duke of York, was the fifth son of king Edward III., and of course uncle to king Henry IV.; he died in 1402.

8th, Thomas Warwick, was Thomas Beauchamp, earl of Warwick; he died April 8th, 1402.

9th, Henry Northumberland, was Henry Percy, earl of Northumberland, who was slain on Bramham Moor in 1408, see p 366.

10th, John Norbury, sir John Norbury, was appointed treasurer, at the coronation of king Henry IV., and was succeeded in his office by William Roos Hamelack.

11th, William Lord Roos de Hamelack, who succeeded the above-named sir John Norbury, as lord treasurer in 1403, died at Belvoir Castle, in 1414.

12th, William Lord Willoughby, of Eresby, died in 1409.

13th, Lord John Cobham, died in 1407.

14th, Sir Thomas Erpingham, he was chamberlain at the coronation of king Henry IV., was afterwards warden of the Cinque Ports, and led on the English archers at the battle of Agincourt in 1415, he died in 1428.

15th, Sir Thomas Rempston, was steward of the household, and vice chancellor at the coronation of Henry IV., and constable of the tower; he was drowned while passing through the London bridge, in 1407.

16th, Sir Richard Clifford was appointed to the office of Privy Seal at the coronation of king Henry IV.; in what year he died does not appear. The only charter granted to Nottingham by Henry V. is merely confirmatory of the grants of former monarchs, without conferring any additional gifts, and is dated from Leicester, 1413, 2nd year of his reign.

1. The charter of Henry IV. confirms all the privileges and immunities the town had hitherto enjoyed by all former charters.

2. As a still greater favour by assent of council he grants and confirms to the mayor, bailiffs. and burgesses, that they, their heirs, and successors, shall for ever have cognizance of all pleas by the mayor, bailiff, &c. of the town, or whom they depute, as well of land, &c. as of trespasses, &c. within the liberty of the town, and also all pleas of assize, &c.

3. The mayor, &c. to have for ever, the chattles of felons and fugitives.

4. All fines of *trespasses*, and other *offences*, also *past fines*, *amerciements*, &c.

5. The return of all writs and summonses of exchequer, and attachments, and the execution of the same.

6. The benefit of purprestures by land and water, and all *wastes* within the bounds of the town for their benefit.

7. Power to enquire here, and determine by the mayor and recorder, and four other respectable burgesses whom he shall appoint, of all matters belonging to justices of the peace, of labourers and artificers.

8. County justices hereafter not to meddle in any affairs of the town.

9. The mayor not to proceed to try *felony*, without the king's special mandate.

10. To have all fines arising from the justices of the town, as is granted to Coventry, by charter, before the 6th April, in 22nd Richard II.

11. That no armed forces shall be raised by any commission, unless the mayor be joined in commission for that purpose.

### CHAPTER III.

1413. If Henry IV. died unregretted, the accession of his son Henry V., of Monmouth, was hailed with universal and enthusiastic joy; not a whisper was raised in favour of Edmund Mortimer, earl of March. This king was brave, wise, temperate, and magnanimous, he lived and died one of the most powerful and popular kings that ever reigned in England. By him, Nottingham Castle was retained as a palace, a citadel, and a state prison; but no particular historical event has come down to us connected with Nottingham during his reign. There were several wealthy families at this time flourished here, some of which still exist in affluence, amongst whom there are those who have obtained patents of nobility.

"*The Bugge's* is one whose house is yet standing at the corner of St. Mary's gate, now the sign of the Old Angel, formerly Bugge Hall. This ancient building descended to sir Richard de Bingham, knight, of which name some continued in this town till the reign of Edward III., or after; whereof one Adam, son of Adam de Bingham, of Nottingham, 13th Edward II., passed to Richard de Bingham, of Nottingham, his brother, a messuage, on the High Pavement, situate between the lane by St. Mary's church yard, and a tenement of Sir Richard de Willughby, afterward given to the chantry of Sutton Passeyes; and John, son of Richard de Bingham, of Nottingham, 21st Edward III., conveyed it to Henry de Baukewell, and Alice his wife, to whom Cicily and Alice, daughters of Richard de Bingham, and Robert, son and heir of Richard de Bingham, also 22nd Edward III. released it, so that afterwards it had the name of '*Bakewell Place*'; and 4th Richard II. was passed to Thomas de Bottale, of Nottingham, whose son, Mr. Roger Bottale, arch-deacon of Cardigan, 3rd Henry V. settled it on John Bottale, his brother and the heirs of his body; which John, had a daugh-

ter called Joane Bureley, widow, who, together with William Molyneux, son and heir of Nicholas Molyneux, 37th Henry VI. conveyed it to Richard Campyon, who 1st Edward IV, released it to John Hunt, of Nottingham, merchant, as did also 5th Edward IV, Richard Bingham, the judge, who had been enscoffed thereof, together with John Manchester, then dead, by Thomas Kay, son and heir of Thomas Kay, some time of Nottingham, from which John Hunt it came by inheritance according to the descent in Hockerton, to Gilbert Boun, serjeant at law, who made it his *Mansion House*, from whence, after he had been imprisoned at Derby, a year or more, by the first setters up of the rebellion in these parts, he was, with the loss of all he had, expelled by the governor of Nottingham.

"There was a house over against this, which, in 17th Edward III. belonged to *Robert Wolaton* and Alice his wife, and in 27th Elizabeth, is said to lie between the house of Nicholas Kinnersley, gent. and Joane his wife, (but since sir Thomas Hutchinson's) and the '*Common Hall of the County*,' which said house was by Francis Leake, of Sutton-in-le-Dale, in the county of Derby, esq. then conveyed to John Boun, father of the said Gilbert, who, some years before the said rebellion, gave it to be used by the county at the assizes, as an hall for the more convenient trials of *Nisi Prius*, and it was made with arches open to the street, on that side for that purpose, so that the other hall adjoining, is free for *criminal* causes, or other business of the crown. Beyond this new hall, was a pleasant little garden, which the Lady Catharine Hutchinson, (the relict of the said Sir Thomas) much affecting about the king's return, purchased of John Boun, esq., the serjeant's elder son, to enlarge her own, to which it was contiguous, as she did also (perhaps for the garden's sake wherein she takes great delight) the dwelling-house, but that she shortly after sold to Robert White, who, in the place of an *old barn* or stable, hath built a pretty new brick house, facing St. Mary's church yard.

"There was a fine levied in Nottingham, the Monday next after the feast of St. Martin, 3rd Edward III., between Walter, son of *Robert Ingram*, *Quer.* and *Robert Ingram*, *Chivaler*, and Orframma his wife, deforc. of four messuages, one oven, forty acres of land, six acres of meadow, and 100s. rent, with the appurtenances in Nottingham, which were then settled on the said Walter Ingram and the heirs of his body; the remainder to the said Robert and Orframma, and the heirs of Robert; John Ingram, of Nottingham, 4th Richard II. conveyed to *Sir Gervase Clifton*, knight, *Hugh de Willoughby*, *Ralph de Adurley*, *Richard de Gifford*, of Nottingham, *Thomas Martell*, *Thomas Watton*, *Ralph de Adurley*, *jun.*, and

*Thomas Ingram*, chaplain, all his lands, rents, and services in Sneynton, and other where in England; Edmund Ingram, of Nottingham, 8th Richard II. passed all his lands, rents and services in Sneynton, to *sir Edmund Perepunte*, knight, and his heirs, and likewise the yearly rent of eight marks, issuing out of all lands and tenements, in Nottingham, and Wilford, and Whatton. The witnesses were John Samon, of Nottingham, John Croweshawe, of the same, Henry de Plumtre, then bailiff of Nottingham, Robert de Whatton, John de Burton, and I guess that *My Lord Marquis of Dorchester's* house, wherein his grandfather sir Henry Pirrepoint dwelt, on the top of St. Mary's hill was sir Robert Ingram's, for in 13th Edward II., St. Mary's lane is said to lead from the king's hall to the tenement of Robert Ingram, &c. he is named in Sneynton also, if that Robert was not his father, or other ancestor, as by the time he should.

"Luke de Crophill, clark, son of Gregory de Crophill, gave one messuage in Nottingham, which William de Stoke some time held of him, to the priory of Thurgaton, in pure alms. William, son of Roger de Crophull, 5th Edward III., passed a croft, &c. to William, son of William de Crophull, in Nottingham, of which place they were both then inhabitants; the witnesses were Laurence le Spicer, the major, Robert de Morewode, bailiff, Robert de Crophull, of Nottingham, Roger de Botehale, Nicholas de Shelford, &c. On the seal of arms of Nicholas de Crophill of Nottingham, within the circumscription of his name, 35th Edward III., is a lion rampant, as there is on the seal of John Crophull, of Nottingham, skinner, 16th Henry VI., and at other times empaling a chevron, between three bull's heads, cabossed. Many of the chief men of Nottingham had seals of arms within a fair circumscription of their names, as Hugh le Spicer, son of Laurence le Spicer, of Nottingham, which Hugh married Joane, the daughter of William de Amyas, and had upon his shield a Crosse Formie, and on a chief three pallets; 8th Edward III., as Robert de Morewode, 9th Edward III. had a chevron between three holly leaves slipped erect. And Roger de Hopwelle, of Nottingham, also 44th Edward III., had a bend ingrailed between two crosse-crosslets; Richard Samon, and Thomas de Amyas, 5th Edward III., were bailiffs of Nottingham; and 40th Edward III. John Samon was major. These Samons had interest in Gotham, and some of them settled at Annesley Woodhouse.

"The arms of this family at length were three samons in pale, which quartered with arg. a bend ingrailed azure between a mullet, and an annulet gules; which are in the south window of

St. Mary's church, and supposed to belong to St. Almond, or Samon, of Nottingham.

"*Richard Mellors*, bell founder, lived here in the time of Edward IV., his wife's name was *Agnes*, after his death styled the *Lady Mellors*, and *Dame Agnes Mellors*, being a vowess it seems, she gave to the *free school* at Nottingham, divers lands and tenements, of good value; her son and heir, Robert Mellors, followed the same trade, and was also a benefactor to the school, to which, by his last will, bearing date 16th July, 1515, he gave a close, which he bought of one William Page, lying in *Basford Wong*; and an house in Bridlesmith gate, which he bought of the same person, or else the money which should be gotten for it; but if the school should not be kept according to the foundation as it was granted, his heirs should re-enter and have the said close, with the appurtenances again. He was burgess in Parliament for this town, and had to wife Julian, daughter and heir of ——— Mapurley; after his death she was married to one Nicholas Quarneby. Elizabeth, the only daughter and heir of this Robert Mellors, was married (perhaps by her father-in-law's procurement) to his nephew, Humphrey Quarneby, who was son and heir of his brother Thomas Quarneby, and of Elizabeth his wife, one of the two daughters and co-heirs of Henry Tickhill and Margaret his wife, one of the daughters and co-heirs of Thomas Pembrug, which said Henry Tickhill was son of Robert Tickhill and Agnes his wife, daughter and heir of Henry Wychard, of Chaddesden, near Derby. This Humphrey Quarneby was also alderman of this town, and served for it in Parliament; his son and heir, Robert Quarneby, had two daughters and heirs, Elizabeth, wife of John Kyme (descended from a branch of the house of *Kyme*, of Friskenev, in Lincolnshire) and Mary, the wife of Thomas Blyth, of Espley-Wood-Hall. John Kyme, by his wife, Elizabeth, had two sons, John, who married Gertrude, the daughter of John Rosell, of Radcliffe, esq. but had no issue; and Philip, who died a batchelor; and two daughters, Anne, wife of John Hunt, of Aston, in the county of Derby, who left no child; and Mary, wife of George Alton, who had two daughters; Mary, married to one John Major, who lived in London; and Elizabeth, whom her grandfather, the said John Kyme, made his heir, and married to John Gregory, of Nottingham, gent. son and heir of William Gregory, alderman, who, by grazing, raised a very considerable estate from the lowest beginning; yet it seems he was descended from a younger branch of the family of Gregory, of Highhurst, in the county of Lancaster, who bore for their arms *party per pale arg. and azure, two lions rampant aversé*, (which some call *endorsed*, viz. back to

back) counterchanged ; howbeit in the year 1662, when William Dugdale, esq. Norroy king of arms, made his visitation, George Gregory, esq. son and heir of the said John and Elizabeth, not exhibiting such sufficient proof as since he hath, thought fit to take a grant of the arms and crest he now useth from the said Norroy, in relation to his descent from the ancient family of Kyme ; he hath the last year, viz. 1674, rebuilt most of the old mansion house, which is esteemed one of the best seats in the whole town, having also a pretty close besides the gardens adjoining to it. His grandfather, the said George Alton, was son of John Alton, an eminent physician, in Nottingham, who had a daughter, named Elen, wife of Thomas Bray, of Eyam, in the county of Derby, to whom she bore ——— the wife of John Martin, gent. a considerable owner in Nottingham ; and Elizabeth, who having ten thousand pounds of her said grandfather, Dr. Alton's, estate to her portion, was preferred in marriage to the honourable Francis Pierreponte, esq. third son of Robert, earl of Kingston ; which said Francis built a fair house, wherein he lived and died himself here at Nottingham, which remains the principal dwelling of Robert Pierreponte, esq. his son and heir. Humphrey Quarneby, before named, had a daughter called Margery, wife of John Gregory, related to those of that name now seated at Barneby on Dun, in Yorkshire, alderman also of this town, whereof he was major, 29th Eliz. ; which John had a son, William Gregory, who was town clerk, and served in Parliament as a burgess ; and a daughter, ——— wife of William Greaves, who had Robert Greaves, town clerk also, and burgess, who, for his loyalty to king Charles I., being in Newark garrison, suffered great loss of his interests here ; his brother William Greaves was parson of Nuttall, and left three sons of good rank in this town : William, who is alderman and register of the archdeacon's court ; John, and Edward Greaves, the apothecary ; Humsfrey, their uncle, brother of the said William, the parson ; and of Robert, the town clerk, hath a son John Greaves, parson of Whitwell, in Derbyshire."

Most of these ancient and honourable families obtained their wealth by the *wool trade*, which, as well as its manufacture in this town, was as an article of exportation to the continent, carried on to a great extent in Nottingham.

It will be remembered that Calais, a sea-port of France, was taken by Edward III., 1348, who made it the *entrepôt* of British merchandize, especially of *wool, leather, tin, and lead*, (see p. 285). In this trade, called the *staple*, the merchants of this town were extensively engaged for generations, and through which they became exceedingly affluent. After the exportation of British wool



had been prohibited by Act of Parliament ; being an inland town, and having immense caverns, Nottingham presented favourable opportunities for the concealment of vast quantities of wool, which were got together in them by the Nottingham traders, who, despite Acts of Parliament, continued largely the exportation trade clandestinely, and because of its being done in the night, was called *owling*. It hardly admits of a doubt that many of the deepest cellars here were excavated for this illegal but lucrative purpose. When Calais fell into the hands of the French, in the time of queen Mary, this trade soon became extinct in Nottingham.

Henry V. died at Vincennes, prosecuting the French war, in the 34th year of his age, and 10th of his reign, 31st. Aug. 1422, being succeeded by his infant son Henry, and was interred in Westminster Abbey, near the shrine of Edward the Confessor.

Henry VI. was not quite 9 months old when he succeeded his father to the throne of these realms. From the 6th of Edward V. to the 23rd of Henry VI. we know not who had the charge of the castle, but in 1445 Ralph Cromwell obtained a grant from the crown, to himself and his heirs, of the office of *constable* of the castle of Nottingham, and steward of the same ; also the wardenship of the forest of Sherwood, with the parks of Beskwood and Clipstone, to hold by fealty for all services. 1447. Mention is made of Jeffery Kniveton as constable of this castle, and clerk of the forest of Sherwood. He could only be deputy constable under Cromwell, who was still living, but he died without issue 9 years afterwards. 1456. About this time there was one Gualfryd Kniveton mayor of Nottingham, and perhaps he was a relation of this Jeffery, if not the same man under another name.

It is very evident the fortunes of the Mowbray family had considerably advanced from their late misfortunes, during the reign of Henry V., for in 1425, and 3rd of the reign of his infant son, Henry VI., John Mowbray, son to sir Thomas, in a Parliament holden at Westminster, had the ancient titles of the family's nobility restored to him, as earl of Nottingham, and duke of Norfolk, which descended to his posterity. This John was the fifth of that name among the barons of Mowbray ; he died seven years after, and was buried in the abbey or house of Carthusians, within the isle of Axholm, 1432. His wife, the duchess, was Catherine, daughter of Ralph, lord Nevil, the first earl of Westmoreland, and Jane, his wife, daughter of John, duke of Lancaster, by whom he had a son, John, afterwards duke of Norfolk. Anne, one of the earl of Westmoreland's daughters, married William Berkly.

In the person of Henry VI. we are called upon to witness and lament over royalty slandered, abused, insulted, and injured in

every possible manner, by ambitious barons. What pretext is put forth by them? Was Henry VI. fierce, cruel, and tyrannical? Was he grasping and avaricious? Or wastful, extravagant, and licentious? Was he charged or chargeable with any of these faults, or, indeed, with any fault in particular? For by the pens of court-paid historians he is described as gentle, timid, submissive, superstitious, who would have made a tolerably good monk; but had not one of the qualities which constitute a good king." Posterity will form its own opinion, and not take a bias from the *comments* of historians, it needs only consult *facts* to perceive that folly, and weakness are the *pretexts* of ambition, when, as in this instance, it has perpetrated murder and regicide. An *imbecile* sovereign in the nomenclature of those barbarous ages, should generally be rendered, in modern phraseology, *a good, a mild, a virtuous king*.

1446. Henry VI. being in his twenty-fourth year, the earl of Suffolk negotiated a marriage between his sovereign and "Margaret of Anjou," a very ambitious lady; in spirit and results this was as unequal a match as that between Edward II. and Isabella.

In this reign commenced the "*war of the roses*," the red rose being the ensign of Lancaster; and the white, of York. In these desolating wars, Nottingham had its full share of suffering, as may be conceived from the fact, that sir Gervase Clifton espoused the interest of the house of Lancaster, in which he, together with the duke of Somerset, &c., fell victims to their own patriotism, after the battle of Tewkesbury. They might have escaped after the battle, but tarried in the church, trusting to the royal clemency, from Saturday, May 4th, till Monday the 6th, when they were dragged from the foot of the altar, and beheaded in the market place, at Tewkesbury.

"See! there are limbs on their torturing racks,  
And the head's-man is wiping his blood stain'd axe,  
As brothers they lived, in their martial pride,  
And their heads shall rest in the grave side by side.  
Ah! what are those forms which the misty gloom,  
Conceals from my eye, with their fearful doom?  
Like shadows they come, and like shadows depart,  
The headless trunk, and the broken heart."

The castle of Nottingham passed from the *red rose* to the *white* before Henry VI. was secretly murdered, while a prisoner in the tower, by order of Edward IV. Richard Mortimer, duke

of York, landed from Ireland, where he had been some time commander, Aug. 1449; and though preparations were made to prevent his landing, he came accompanied with so strong a force that all opposition was useless. The first battle of the roses, was fought at St. Alban's, 22nd May, 1454. Henry VI. was wounded in the neck, taken prisoner, and placed in the abbey of St. Alban's by the duke of York, but soon after was liberated by the mild and benignant duke. 1459. Henry VI. was again taken prisoner by Richard of York, but he would not put forth his hand against his sovereign. In the battle of Wakefield, duke Richard was slain, and out of 5000 who followed him, 2000 fell on the plain; after this the house of Lancaster was for a time in the ascendancy. Prince Edward, now duke of York, had little of his father's forbearance, and, assisted by the earl of Warwick, pushed forward his ambitious projects, and while Henry VI. was yet prisoner, rode triumphantly to Westminster, and mounted the throne, 4th March, 1460.

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#### CHAPTER IV.

The strongest and most mischievous antagonist power with which royalty and the rising liberties of the people have had in all past ages to contend, has been the dominancy of the barons. To check this was the design of royalty in the various chartered privileges it granted to the inhabitants of boroughs, who not only had them preserved, in order that they might maintain themselves against the lords, but also that their number might be increased; bondmen and slaves became *free men*, were sworn and entered on the rolls of the Court Leet, after a residence in any borough of *twelve months and a day*. This salutary custom originating in the crown, gradually and insensibly went on, transferring the masses of the enslaved peasantry from a state of bondage to liberty, and, notwithstanding all that may be said in praise of "Magna Charta," to which we are not altogether insensible, unquestionably we are infinitely more indebted for our present liberty to the grants of royalty, than any philanthropy of the nobles, for instead of being now free, we might still have been wearing the iron fetters of bondage, and had it not been for the crown, subjects of the remorseless oppression of the castle-dwelling barons.

Henry VI. was not unimpressed with the fact, that the liberties of the people constituted the broadest and most secure basis of the

throne, therefore, unsolicitedly went beyond his predecessors in the extent of the liberality of his grants to the people. A charter, not only of extended privilege, but of *incorporation* also was granted to Nottingham by this good and pious king, which gave a new feature altogether to the state of the *residents* in boroughs, and stamped his own grants, and all those of his predecessors, with a value and importance from which they had been hitherto estranged; this charter recites all the previous charters then in existence, the following is a translation of that given by himself:

"Henry by the grace of God, king of England, France and Ireland, duke of Aquitain; to all archbishops, bishops, abbots, priors, earls, barons, justices, sheriffs, reeves, officers, and all his bailiffs and faithful subjects, greeting.

"And we do, by tenor of these presents, as far as in us lies, for ourself and our heirs, accept, approve, ratify, and to our said beloved mayor, bailiffs, and burgesses of the said town, their heirs and successors, all and singular the grants, confirmations, and restitutions aforesaid, as the charters aforesaid do reasonably make appear, that the said mayor, bailiffs, and burgesses of the said town may use and enjoy the said liberties and acquittances that the said mayor, bailiffs, and burgesses, their ancestors, reasonably used and enjoyed, from the time of the making of the charters aforesaid. In testimony whereof we have caused these our letters to be made patent.—Witness ourself at Leicester, the 24th day of May, in the second year of our reign.

"And we do, for ourself, our heirs and successors, as far as in us lies, accept, approve, and ratify, to our now beloved mayor, bailiffs and burgesses of the said town, their heirs, and successors, all and singular the franchises, liberties, privileges, easements, and immunities, concessions, confirmations and restitutions aforesaid, as by the charters aforesaid do appear, or as the said mayor, bailiffs and burgesses of Nottingham, and their predecessors used, or ought to have had and enjoyed, he disuse or abuse of any such privileges, liberties, easements or immunities notwithstanding.

"And furthermore, we have, of our abundant grace, mere motion, and certain knowledge, granted, and by these presents do confirm, for ourself, our heirs and successors, to the burgesses of the said town of Nottingham, their heirs and successors, that the said town of Nottingham, that hath for a long time been a town corporate, be henceforth, for ever, a town corporate, and that the said mayor and burgesses, and the mayor and burgesses their successors of the said town, be a corporate body in fact and in name, by the name of MAYOR and BURGESSES of the town of Nottingham,—that they have a perpetual succession, and that the mayor and

burgesses be deemed fit and capable to sustain, prosecute, defend, and plead by that name, to all kind of pleas, suits, plaints and demands in actions, real, personal, and mixt, brought by and against them, in any courts of us, our heirs or successors, as well in our courts of king's bench and chancery as any other, and all other temporal and spiritual judges and justices whatsoever. And that they the said mayor and burgesses of the town aforesaid, and their heirs and successors by the name of mayor and burgesses aforesaid, be capable to acquire and hold all lands, tenements, possessions and hereditaments to them, their heirs and successors for ever.

“ And of our more abundant grace and favour, mere motion and certain knowledge, we have, for ourself, our heirs and successors, granted to the now mayor and burgesses of the town of Nottingham, and the mayor and burgesses of the said town their successors, that the said town of Nottingham and the precincts thereof, as they now extend and belong to the body of the county of Nottingham, be for ever, after the 15th day of September next ensuing, separate, distinct, and divided from the same, as well by land as water, our castle, and our gaol of our counties of Nottingham and Derby, called king's hall, only excepted; and that the said town of Nottingham, and the precincts of the same, unless as before excepted, after the said 15th day of September, be a county of itself, and not a parcel of the said county of Nottingham, and that except as before excepted, the said town of Nottingham be for ever called, held, and reckoned to be the county of the town of Nottingham.

“ And that the said now burgesses of the said town, and the successors of the burgesses of the same, instead of two bailiffs, for ever have two sheriffs in the said town and precincts thereof, to be chosen from among themselves, to hold the office of sheriff of the said town, except as before excepted, to the day of the feast of St. Michael the archangel next ensuing, for that day, and until two other burgesses of the said town shall be chosen into the office of sheriff of the said town, and the precincts of the same, except as before excepted; and that annually on the feast of St. Michael the archangel, they, the said sheriffs, shall be for ever chosen and made in manner following, viz :

“ The mayor and burgesses of the said town of Nottingham, shall every year, instead of two bailiffs, choose from among themselves, two fit persons into the office of sheriffs of the said town, and precincts of the same, except as before excepted, in the same manner as the said burgesses were accustomed to choose the bailiffs of the said town, and the burgesses so chosen shall immediately

after their election into that office, take the oaths before the mayor for the lawful and due performance of the same,—nor shall they go out of the said town to take the same;—and the names of the said sheriffs shall be sent into the chancery of us, our heirs, and successors every year, within twelve days after such election, under the seal of the said mayor of the said town of Nottingham aforesaid. That the mayor that now is to be escheator, and that whatever burgess be hereafter chosen mayor of the said town, be immediately escheator of us, our heirs and successors, the whole of the time such burgess shall continue mayor; and that hereafter there shall be no other escheator or sheriff in or for the said town of Nottingham, and the precincts of the same, than from among the burgesses, in manner aforesaid. And that the escheator and sheriffs of the said town, and the precincts of the same, except as before excepted, have the power, jurisdiction, privilege, and whatever appertains to the offices of escheators and sheriffs of us, our heirs and successors, and which other escheators and sheriffs of any place within our kingdom of England have, should have, might have, or claim right to. And that all and singular such writs, precepts, or mandates, that heretofore were accustomed, or ought to have been served by the sheriff of Nottingham, or the bailiffs of the said town, and the precincts of the same, shall immediately, from and after the said 15th day of September, be directed to, demanded and executed by the sheriff of the said town.

“And that the sheriffs of the said town, and the precincts thereof, and other sheriffs for time to come, shall, in future, hold their county court on Monday in every month, within the said town, for the said town, and the precincts of the same, in such manner as other sheriffs, at other places within our kingdom, or as other sheriffs of us, our heirs and successors hold, or ought to hold, their county courts in other parts of our kingdom.

“And that the said now burgesses of the said town, and their successors for ever, hold a court, at their pleasure, of all and singular contracts, covenants, and trespasses, as well against the peace as otherwise, and of all other things, causes, and matters whatsoever, arising within the said town, and the precincts thereof, except as before excepted, to be held from day to day in the Guild Hall of the said town, before the mayor of the said town, or his deputy, and the sheriffs of the same for the time being, and that the mayor of the town for the time being, and the sheriffs for the time being, from the aforesaid 15th day of September, have power and authority in that court to hear and determine all kinds of pleas, suits, complaints, causes and demands, of all actions, real,

personal, and mixt, within the said town, and the liberty and precincts of the same, except as before excepted, to be brought, as well in the presence of us, our heirs and successors, as in our absence, with all kinds of fees issuing or arising to the said sheriffs out of the said court, to their own proper use, without let or impediment of us, our heirs and successors, or any the justices of us, our heirs or successors, the steward or marshal of our household shall not take cognizance of pleas, trespasses, contracts, covenants, things or matters, within the said town, or liberties of the same, except as before excepted; nor shall any one intermeddle within the same. And that the said escheator and sheriffs within the said town of Nottingham, for the time being, do severally, every year, account before the treasurer and barons of the exchequer of us, our heirs and successors, by their attorney severally appointed, or to be appointed, by letters patent under the seal of office of the escheator and sheriffs of the said town, and that such account, so made before the treasurer and barons aforesaid, by such attorneys, instead of such escheator and sheriffs, shall be deemed of sufficient force and effect.

“Furthermore, that the said escheator and sheriffs of the said town of Nottingham, their successors, or any of them, within the said town, shall in no case be liable personally to account for the same. And the escheator of the said town of Nottingham shall, for ever, every year, forthwith upon his election, take the oath of office, faithfully to execute the same, before one or both coroners, within the town of Nottingham, and not elsewhere. And be it always provided, that within twelve days after the election of the mayor of the said town, the name of his escheator shall, every year, be certified to the exchequer of us, our heirs and successors, under the seal of office of the said mayor.

“And of our mere motion and certain knowledge, we have, for ourself, our heirs and successors, granted to our now burgesses, of the said town of Nottingham and their successors for ever, the chattels of all persons convicted of felonies, murders, and any other offences, as well at the suit of us, our heirs and successors, as of any persons whomsoever, of outlaws and felo-de-se, and deodand within the said town and precincts thereof, except as before excepted. And the said now burgesses of the said town, and their successors, for ever have all amerciaments, redemptions, issues, forfeitures, and all fines for trespasses, offences, neglects, mis-prisons and contempts whatsoever, post-fines, and all things which in any wise pertain to us, our heirs or successors, of all persons whomsoever having or holding within the said town of Nottingham, whether altogether or in part having residence in the

same, (to wit) of all kinds of pledges and manucaptures of persons within the same, in our courts of king's bench, chancery, exchequer, steward of our household, for the time being, justices itinerant, common pleas, and pleas of the forest, as well in the presence as in the absence of us, our heirs and successors. And that they, the said burgesses, may themselves, or by their officers, levy, take, receive, and enjoy all fines, amerciaments, redemptions, issues, forfeitures, and all other things that would have pertained to us, our heirs and successors, had this grant never been made, to levy, take, and have the same without any let or impediment of us, our heirs and successors, our justices, escheators, sheriffs, coroners, or other our bailiffs or ministers whatsoever.

“ And of our more abundant grace and favour, mere motion and certain knowledge, we do, for ourself, our heirs and successors, grant to the now burgesses of the said town of Nottingham, their heirs and successors, that they the said burgesses, their heirs and successors, do, from time to time, choose from among themselves, seven aldermen, one of which is to be elected to, and serve the office of mayor of the said town.—That such aldermen, so chosen, shall continue in office during life, unless they or any of them, at his or their special request, *made to the rest of the burgesses* of the town, for the time being, or for some other notable cause, the said alderman or aldermen be removed by the said mayor and burgesses; or, in case such alderman or aldermen die, or for some other cause he or they be removed from his or their office, that the then mayor and burgesses of the town aforesaid, have power and authority to choose from among themselves one or more alderman or aldermen instead of the alderman or aldermen so dying, departing, or removed, according to the tenor of these presents, and so from time to time, upon the death, departure, or removal of any alderman of the said town in manner aforesaid.

“ And that the aldermen of the said town be justices of us, our heirs and successors for the time being, within the said town, liberties and precincts of the same, except as before excepted, for ever to keep the peace within the same :—and that seven, six, five, four, and three (one of which to be the mayor of the said town for the time being,) have full power and authority to hear and determine all felonies, murders, trespasses, and mis-prisons, as all kinds of causes, pliants, contempts, and all other wrongs whatsoever, which ought or may hereafter pertain to other justices within our kingdom of England, to hear, enquire, determine, or in any wise correct within the said town, or liberties and precincts thereof, except as before excepted :—That they have hereafter the correction and punishment of servants, labourers, and artificers, within the said



town and liberties of the same, in as full and ample manner as the keepers and justices of the peace within the county of Nottingham, or any where else within our kingdom of England.

“And we furthermore, of our mere motion and certain knowledge, grant, for ourself, our heirs and successors, to our burgesses of the said town, their heirs and successors, that they for ever have all fines, issues, forfeitures, amerciaments awarded, or to be awarded by the mayor, or any of the justices of the peace of the said town, within the liberties and precincts of the same, except as before excepted, to be levied by their proper officers, for the aid, maintenance, and support of the said town. And that the aforesaid burgesses of the town of Nottingham aforesaid, for ever have the forfeiture of all victuals within the said town, legally forfeited, as bread, wine, and all victuals whatsoever, that pertaining to merchandize excepted.

“And moreover, of our own mere motion and certain knowledge, we have granted, and for ourself, our heirs and successors, do confirm to our now aforesaid burgesses, their heirs and successors for ever, that the steward and marshal of the household, or clerk of the market of us, our heirs and successors, them or any of them, do not in our presence, or in our absence, enter, sit, enquire, or exercise any function of their respective offices, nor implead any burgesses, or other persons of the said town, within the liberties and precincts of the same, except as before excepted, for any matters, causes, pleas, complaints, or things before them, or any of them, hereafter, on any account whatever.

“And we, of our own mere motion and certain knowledge, have granted and permitted, for ourself, our heirs and successors, to the now burgesses of the said town of Nottingham and their successors, that burgesses of the said town, who for the time being, shall be aldermen of the same, shall for ever wear gowns and collars, with sleeves of one form, and livery, and furs, facings, and robings, in manner of the mayor and aldermen of our city of London, any statute or ordinance heretofore, to the contrary notwithstanding.

“Nevertheless, it is our pleasure that the said escheators and sheriffs of the said town, and liberties and precincts of the same except as before excepted do, by their attornies, account before the treasurer and barons of the exchequer, of all things that of right belong to us, our heirs or successors, as the escheators and sheriffs of our said county of Nottingham, or one or any of them would have accounted for before the said treasurer and barons of the exchequer of us, our heirs and successors, if this present charter had not been; except all manner of fines, issues, amerciaments, and forfeitures, before the justices of the peace of the said town,

and the precincts of the same, except as before excepted, and of certain premises by us granted to the said mayor and burgesses, by virtue of these presents.

“Provided always, that the now mayor and burgesses of the said town of Nottingham, and their successors, be in no wise excluded, barred, or estopped of any of the liberties, franchises, and privileges, to be had and claimed by the said mayor and burgesses, or bailiffs and burgesses of the said town, by their acceptance of these presents; but that it be lawful for the said mayor and burgesses, and their successors, to claim, enjoy and have, of their own right and title, all and singular the liberties, privileges and franchises aforesaid, any grant of the same, or the acceptance of these presents by the said mayor or burgesses to the contrary notwithstanding:—

“Wherefore it is our pleasure, and we strictly command, for ourself, our heirs and successors aforesaid, that our said burgesses of our said town, do have, hold, and exercise, to them and every of them, all and singular the cognizance, liberties and immunities, and all other the premises above particularly expressed, fully, wholly, peaceably, and quietly, without hinderance, disturbance, molestation, or impediment of us, our heirs or successors, or the officers or ministers of us, our heirs and successors, or any others whomsoever, in manner and form as aforesaid, any gift or grant of us, or our ancestors, to the burgesses of the said town of Nottingham, or their predecessors, no express mention of the value of the said chattels, amerciaments, fines, issues and premises being made notwithstanding.

“Witness the king himself at Winchester, under writ of privy seal, 28th day of June; (a) 5 marks being paid into the Hanaper.”

In this, which is the *incorporating* and *governing* charter, are embraced the following provisions.

1. The town is incorporated by the new name of “*the mayor and burgesses of the town of Nottingham*,” on the date, to wit 28th of June, 1449.

2. The town from the 15th of September, 1449, viz. the 28th of Henry VI. to be separated for ever from the county of Nottingham, except the castle and the king’s hall, wherein is the county goal. And to be forever called “the county of the town of Nottingham.”

3. Instead of two bailiffs, to choose two *sheriffs*, who shall continue from the 15th Sept. till Michaelmas day next, and till two new sheriffs shall be chosen for the then next year.

(a) Patent Roll 27th of Henry VI, p. 2. m. 6.

4. The mayor and burgesses on Michaelmas day yearly, shall choose two sheriffs, as they were wont to do bailiffs, who shall take their oath of office before the mayor, who shall return the sheriffs' names, under his seal, within twelve days after the election.

5. The mayor shall be the king's *escheator*, and no other.

6. The mayor and sheriffs and their successors, shall have the power, jurisdiction, and authority, that other escheators and sheriffs have elsewhere in the kingdom of England.

7. All writs, &c. which had been wont to be executed by the sheriffs of Nottingham, or bailiffs of the town, within the same, shall after the said 15th day of the month of September aforesaid, be directed to the sheriffs.

8. The sheriffs to hold their county court on Monday, from month to month.

9. That the said burgesses and their successors, shall for ever have a court there at pleasure, of all contracts, covenants, trespasses, against the king's peace, or otherwise, and of all other things, causes, or matters arising within the town and precincts, from day to day, in the *Guild Hall*, to be holden before the mayor, or his deputy, and the sheriffs.

10. The mayor for the time being, or his deputy, and the sheriffs, shall, after the said 15th of September, 1449, the 28th of Henry VI., have power and authority to hear and determine in that court all manner of pleas, &c. as well in the king's presence as in the king's absence.

11. The sheriffs to have the profits of the court.

12. The mayor and sheriffs, yearly, to account before the treasurer of the exchequer, by their attorney.

13. Every escheator, immediately after his election, to take the oath of his office before the coroners.

14. Within twelve days after the choice of the mayor, the name of the escheator is to be certified unto the exchequer, under the mayor's seal.

15. The burgesses to have the chattels of all convicted of felony, murder, &c.; all amerciaments, post fines, issues of pledges, and bail, though they hold of the king, and in all other courts whatsoever, and before all justices and ministers of the king, as well in his presence as in his absence.

16. Burgesses may, from time to time, choose *out of themselves*, seven aldermen, one of which shall be elected to the mayoralty, and be mayor of the town, and to continue aldermen for life, unless at their own special request, or for some notable cause, they be removed by the mayor and burgesses.

17. The mayor and burgesses may have full power, on the death, departure, or removal of an alderman, to choose from themselves another burgess to be an alderman, from time to time, for ever.

18. The aldermen for the time being to be justices of the peace, within the liberties of the town, and seven, six, five, four, and three of which (the mayor to be one present) to have power to punish all felonies, murders, &c., as fully as other justices of the peace have, or hereafter shall have.

19. The burgesses to have all fines, &c., set by the mayor and aldermen, or any of them.

20. The burgesses to levy these fines by their own servants, towards defraying the charges incumbent on the town.

21. The burgesses to have the forfeiture of all victuals.

22. The king's steward, or marshal of his household, not to exercise their office within the town.

23. The aldermen to have license to wear gowns, with collars, and half sleeves, of one form, and livery, with furs, facings, and robings, when they assemble, in manner and form as the *mayor and aldermen of the city of London* are used to do. Any statute against wearing of clothes notwithstanding.

24. The escheator and sheriffs to account by their attornies before the treasurer and barons of the king's exchequer, and of all such things (not in the charter before excepted) which were before accounted for by the escheator and sheriffs of the county of Nottingham.

25. Burgesses not to be barred any former rights or privileges, by their acceptance of these presents.

26. The king wills that the burgesses shall have and use all the jurisdiction and franchises, &c. herein expressed, or in any former grant, wholly, and without any molestation, &c. Notwithstanding there is no express mention of the value of the chattels, amerciaments, issues, fines, or other the premises.

27. The charter of confirmation granted by the succeeding kings and queens above-mentioned, inclusive of that of king James I., neither alter nor add any thing new.

The following is a very brief summary of this and various charters, &c.:—

This borough was governed by a reeve or bailiff (*prepositus*) for centuries during the Saxon dominancy, and continued to be so after the conquest, until the time when Henry III., son of king John, gave them coroners of their own, and king Edward I., his successor, by his charter, granted that in the town of Nottingham they should have a mayor, and that they should choose two bailiffs, one out

of each borough, according to the different custom or usage of the inhabitants of the said boroughs. From the conquest till within 127 years, the distinction of the two boroughs subsisted by the name of the English and French borough, or east and west town, or division, as we have seen. In this state, and with the title of mayor and bailiffs, our corporation continued 130 years. Then king Henry V. made the mayor, recorder, and four others, whom the mayor should choose, justices of the peace, and discharged the justices of the county from intermeddling with the affairs of the town, and with this additional power they held their old title 36 years longer, till Henry VI. incorporated the town by a new name, —mayor and burgesses, and separated it for ever from the body of the county of Nottingham, and caused it to be styled the "*County of the Town of Nottingham*," changed their bailiffs into sheriffs, and gave power to the burgesses to choose out of themselves seven aldermen, one of whom always to be chosen mayor of the town, and that such aldermen should all be *justices of the peace*, and wear scarlet gowns of the same fashion as the mayor and aldermen of the city of London use to do.

In all these charters nothing is added to or taken from the free resident householders, called burgesses; for a more particular description of which, see page 122-128. In addition to observations there stated, it will be seen that the burgesses anciently had an oath administered to them, at the time they were admitted on the roll, and such an oath as no man could honestly take, except he were a resident. The following is a copy:

"This hear ye, — mayor of this borough of Nottingham, recorder, sheriff, and all other worshipful men, I, A. B. shall be loyal and true to the king and you, and to this town of Nottingham, bear faith and truth, and to be obedient and justifiable of my body, and goods, and my chattels, and to the officers and ministers of this town of Nottingham, and for the time of ministration of their offices, inasmuch as in me lies, I shall be attending, helping, and supporting; and the counsel of the said town of Nottingham, I shall truly keep, and to no man show it; and the franchises of the said town I shall maintain and sustain, with my body, my goods, and my chattels, to the utmost of my power, and that not let, neither for love nor dread, without regard of any man, but that I shall maintain the laws, and good customs, and franchises aforesaid, and truly bear and do duties and customs that I ought to do. So help me God."

Before the corrupt system of admitting *non-resident* burgesses could be acted on to the extent that was necessary for the purpose of stifling the voice, and nullifying the votes of the burgesses in the

election of members of parliament, &c., it was found necessary to *expunge* those clauses of the old oath, in which *residence* was implied, and for this purpose a new oath was substituted for the old one, in which, as will be seen, the place of residence is altogether omitted.

The following is a copy of the *new oath* :—

“I, A. B. do swear that I will be faithful and bear true allegiance to his (or her) majesty, and that I will be true and faithful to the mayor and burgesses of this town of Nottingham, and to my power maintain and defend the franchises, privileges, jurisdiction, and charters of this corporation, and perform, execute, and do all such duties, offices and things, as I ought to do, as a member of the same. So help me God.”

The increased and increasing number of burgesses would render it necessary that *delegates* should be selected from the general body to represent it in their councils, appointed to manage the revenues of the town. But neither by this, nor any previous charter, was there any limitation as to the qualification of the electors, or of the number of delegates they should send to the council, in which the aldermen *had not a seat*.

In the time of king James I. a dispute arose between the aldermen and common council, because the former had taken upon them, without the consent of the burgesses, to sit in the hall as members of the council, and to give their vote in settling and disposing of the “corporation, bridge, and school lands,” which encroachment caused the burgesses to apply to the lords of the king’s privy council, who referred the affair to the judges’ examinations. These, after mature consideration of the charter and other matters in dispute, gave in certificates of their opinion, which produced an order of the privy council, whereby the aldermen were excluded *voting* as counsellors, and the number of these last were limited to *twenty-four*, of which six were chosen by the burgesses at large out of themselves, who had not served the office of chamberlain and sheriff; and this was their first sanction for choosing six junior counsellors. These with the mayor only, taking unto them the chamberlains, bridge masters, and school wardens respectively, as their places for the lands within their several offices should require, were to have power to set and dispose of the corporation, bridge and school lands.

An important trial took place at Leicester, 19th July, 1809, respecting the *manner* of electing the aldermen, before sir Simon le Blanc, and a special jury; it was instituted by the king, against John Ashwell, esq. for exercising the functions of an alderman of Nottingham, without his having been elected to that office, *by the*

*burgesses at large*, according to the letter of the charter granted by Henry VI., and on the issue of which public expectation was greatly excited. According to an express law, all corporated trials must be held either in the shire hall of the appertaining county, or in a contiguous county, or in the court of king's bench, London, for the purpose of preventing all undue influence in packing the jury, or otherwise. And because no burgess can be plaintiff in a suit against the corporate body of which, by virtue of his oath he is a member, the king is made nominal plaintiff, the complaining party having first given security for the payment of all expenses which may occur, in case of the loss of a suit or otherwise. The latter law was enacted to prevent a train of litigious actions by one party against another in corporate bodies; therefore, the losing party pays the costs, as in the court of common pleas. The reason why this action was brought against Mr. Ashwell was, because he was the nearest of having served the office of alderman six years; gentlemen having served that time could hold the office forward, notwithstanding thier election was illegal, except a legal process had been commenced against him previous to the expiration of the time. And if a verdict had been given against Mr. Ashwell, all the junior aldermen would have been liable to the loss of office by writs of *ouster*.

The defence set up by sir Thomas Plomer, the king's solicitor-general, and leading counsel for the defendant, was, that the present manner of electing the aldermen from among the senior council, had been pursued from the year 1577, which was proved by a number of corporate records; which custom, he said, was founded upon a *bye-law* passed by the *burgesses at large*, or with their consent. "To state the true grounds on which the jury will have to decide the merits of the case," said sir Thomas, "the charter of Henry VI. gave to the *burgesses at large*, the right of electing the aldermen; in this body was the inherent right too of transferring the power thus vested in them to a *select body*, for the purpose of better obtaining the principal object of the body politic, which is the good government, and quiet of the town." Though this bye-law, is not now in existence, nor any record to prove it *ever had a being*, yet the *lex non scripta*, or what is called the common law of the land, maintains its existence from the long usage which rests upon its supposed authority.

In the course of his speech, sir Thomas said, "the question stands decided by the highest tribunal in the country. In the reign of Elizabeth, attempts were made, in various parts of the kingdom, to overturn usages like the present; the question in itself important, was become more weighty from the disorders

occasioned by those disputes; the lords of the privy council, therefore, referred the matter to the chief justice and chief baron, who called in the rest of the judges; the question underwent deliberation, and the result promulgated to regulate and determine the point in all future times, which has become the law of the land, and has never since been controverted."

The case alluded to is to be found in lord Coke's reports, vol. 4, p. 77, and is as follows:—

"St. Michaelmas Term, in the 40th and 41st of queen Elizabeth, the case of corporations,—in this term, at Serjeant's Inn, in Fleet street, it was demanded of the chief justices, Popham and Anderson Periam, chief baron, and the other justices, that where divers cities, boroughs, and towns, are incorporated by charters, some by the name of 'mayor and commonality,' or 'mayor and burgesses,' or 'bailiffs and burgesses,' &c., or 'aldermen and burgesses,' &c. or 'provosts or reeves and burgesses,' or the like; and in the said charters it is prescribed, that the mayors, aldermen, provosts, &c. shall be chosen by the commonality, or burgesses, &c. If the ancient and usual elections of mayors, aldermen, bailiffs, provosts, &c., by certain selected numbers of the *principal* of the commonality, or burgesses, commonly called the common council, or by such like name, and not in general by the whole community of burgesses, nor by so many of them as would come to the election, were good in law, for as much as by the words of *charters*, the election should be indefinitely by the commonality, or by the burgesses, which is as much as to say by all the commonality, or by all the burgesses, &c.; which question being of great importance and consequence, was referred by the lords of the council to the justices to know the law in this case; because divers attempts were made of late, in divers corporations, contrary to the ancient usage to make popular elections. And it was resolved by the justices, that such elections were good and well warranted by their charters, and by the law also; for in every of their charters, they have power given them to make laws, ordinances and constitutions, for the better government and order of their cities or boroughs, and by force of which, and for avoiding of popular confusion, they, by their common assent, constituted and ordained, that the mayor or bailiffs or other principal officers shall be elected by a *select number* of the principal of the commonality, or of the burgesses as is aforesaid; and prescribe also how such select number shall be chosen, and such ordinance and constitution was resolved to be good and allowable, and agreeable with the law, and their charters for avoiding of popular disorder and confusion. And although now such constitution or ordinance cannot be shown, yet it shall be pre-



sumed and intended, in respect of such special manner of ancient and continual election (which special election could not begin without common consent) that at first such ordinance or constitution was made, such reverend respect the law attributes to ancient and continued allowance and usage, although it began within time of memory. *Mos retinendus est fidelissimæ vetustatis ; quæ præter consuetudinem et morem majorum fiunt, neque placent, neque rectavidentur; et frequentia actus multum operatur.*

“ And according to this resolution the ancient and continual usages have been in London, Norwich, and other ancient cities and corporations, and God forbid they should now be innovated or altered, for many and great inconveniences will therein arise, all which the law has well prevented, as appears by this resolution.”

This extract is from lord Coke's report, and the records of the corporation, adduced upon evidence in this trial; the eloquent pleadings of counsel moved the jury to return a verdict for the defendant. Thus we see that a mere *bye-law*, confessedly not then in existence, and in the absence of the slightest direct evidence that such a supposed bye-law had ever passed, chiefly on the mere opinion or supposition of learned judges, the letter and spirit of all the ancient charters were virtually so far abrogated and annulled, and under the name of *law*, the burgesses were shorn of another of their *chartered* rights, by which the aldermen used to be elected to office.

From the time of queen Elizabeth the practices and bye-laws of all corporations are little more than one continued series of change, inconsistency, and injustice to the burgesses: corruption, and self-aggrandisement of the *select bodies*, the records of whose history present an abortion of every local advantage from them; a mass so shapeless and dark, unintelligible even to lawyers, and so wild a chaos of jarring elements and self-contradiction; in which every antagonist principle is jumbled together in wildest confusion, that he who would plead for such doings, may find precedents for any injustice, and for the perpetration of any public wrong.

The following we give as the manner in which the *common council* was composed, previous to the late Municipal Reform Act, without pretending to know, or being able to learn, how it became so constituted. The body consisted of eighteen *senior* and six *junior* counsellors, to whom were annexed in their deliberative capacity, six aldermen and the mayor. To constitute a *hall* for the transaction of business, the mayor, three aldermen and nine senior counsellors must be present. The junior counsellors were summoned the same as other members of the hall, and had the privilege of voting upon questions, still their presence was not necessary to authorize the

body to transact business. Upon questions relating to the *chamber estates*, the chamberlains had a right to vote; on other occasions they act as officers in waiting to the corporate body.

*The aldermen* were chosen by the *common hall*, out of the *senior counsellors*, and the last elected alderman served the office of mayor the ensuing year, otherwise this office passed by rotation among the aldermen. *The senior counsellors* were elected by the burgesses at large, out of those who had served the office of chamberlain and sheriff.

The junior counsellors were chosen in a similar way out of the resident burgesses.

The following pageant was observed annually in former times on the election of mayor :—

“ On the 29th of September, in the morning, the aldermen and all those who are upon the clothing, assemble at the old mayor's house, who entertains them, besides tea and coffee, with a cold collation (formerly with hot roasted geese) about ten o'clock, they go in their formalities to the church of St. Mary, the waits with scarlet cloaks laced with silver, marching and playing before them, where they attend divine service, and hear a sermon preached upon that occasion by one of the ministers of the three parishes, who take their turns as chaplain of the corporation, each of them receiving annually a free gift of £20, by the hands of the chamberlains. Divine service ended, the whole body goes into the vestry where the old mayor seats himself in an elbow chair, at a table covered with black cloth, the mace being laid in the middle of it covered with rosemary and sprigs of bay, (which they term *burying the mace*) then the mayor presents the person before nominated to the body, and after it has gone through the votes of all the clothing, the late mayor takes up the mace, kisses it, and delivers it into the hands of the new mayor, with a suitable compliment, who proposes two persons for sheriffs, and two for the office of chamberlains, these also having gone through the votes, the mayor and the rest go into the chancel, where the senior coroner administers the new oath to the mayor, in the presence of the old one; next the town clerk gives to the sheriffs and chamberlains the oath of their office. The ceremony being thus ended, they march in order as before, to the new hall, (the Exchange Hall), attended by such gentlemen and tradesmen as have been invited by the new mayor; in their way, at the ‘Week-day-cross,’ over against the ancient *Guild hall*, the town clerk proclaims the mayor and sheriffs, and the next ensuing market day, at the ‘Malt cross.’ This, and every proclamation promulgated in this town,

are now made by the town crier, from a window in the front of the Exchange, the town clerk standing near him to direct him what to say. In former times, *hot entertainments*, very expensive to the mayor and sheriffs, used to be made, and each, at his respective house, used to feast his friends, the one striving to outdo the other in splendour; but of late years those extravagancies are laid aside, and the guests, at the joint expense of the mayor and sheriffs, are welcomed in the long rooms over the shambles, with bread and cheese, and fruit in season, pipes and tobacco with plenty of wine, punch, and ale if called for. At last the sheriffs present every guest with a large piece of rich cake made for that purpose." (see Deering, p. 107.)

"*The mayor's feast*, as this entertainment was called, on the 29th of September is now laid aside, with the exception of his friends being invited to breakfast with him before he goes to church for inauguration. It is customary, however, for the mayor to give four session's dinners, to two of which it would be considered ungentlemanly on his part if he did not invite all the resident clothing of the body corporate; to enable him to meet the expenses of these dinners, and otherwise support the dignity of his office, it was usual for him to receive from the hands of the chamberlains £100, and likewise the fines levied by the Middleton jury, &c., which generally amounts to £50 or more, but in 1804 these fines were either abrogated or applied to other purposes, and the mayor's salary was advanced to £200; there is likewise an annual meeting at the Exchange hall on the king's birth day, to drink his majesty's health, the expenses of which are defrayed out of the chamber purse. To this meeting, the mayor who presides, with the livery servants in waiting, has the exclusive privilege of issuing invitations, which generally extend to all the gentlemen and tradesmen in the town."

*Sheriff's county court of the town.*—The words in the charter of Henry VI. which appertain to this court, are the following:—"and that the sheriffs of the said town and the precincts thereof, and the other sheriffs for time to come, shall in future hold their county court on Monday in every month within the said town, for the said town and the precincts of the same, in such manner as other sheriffs at other places within our kingdom, or as other sheriffs of us, our heirs and successors hold, or ought to hold their county courts in other parts of our kingdom." And, as this subject has an influence upon the interest of many who may read this history, we will give Blackstone's statement of county courts, which embraces this amongst the rest.

The county court is a court incident to the jurisdiction of the sheriff; it is not a court of record, but may hold pleas of debt or damages under the value of forty shillings. Over some of which causes these inferior courts have, by the express words of the statute of Gloucester, a jurisdiction totally exclusive of the king's superior courts; for in order to be entitled to sue an action of trespass for goods before the king's justiciaries, the plaintiff is directed to make affidavit that the cause of action does really and *bona fide* amount to forty shillings, which affidavit is now unaccountably disused, except in the court of exchequer. The statute also of Elizabeth, c. 6. which gives the judges in all personal actions, where the jury assess less damages than forty shillings, a power to certify the same, and abridge the plaintiff of his full costs, was also meant to prevent vexation by litigious plaintiffs; who, for purposes of mere oppression, might be inclinable to institute suits in the superior courts for injuries of a trifling value. The county may also hold pleas of many real actions, and of all personal actions to any amount, by virtue of a special writ, called a justicies; which is a writ empowering the sheriff, for the sake of dispatch, to do the same justice in his county court, as might otherwise be had at Westminster. The freeholders of the county are the real judges in this court, and the sheriff is the ministerial officer; the great conflux of freeholders, which are supposed always to attend at the county court is the reason why all acts of parliament at the end of every session were wont to be there published by the sheriff, why all out-lawries of absconding officers are there proclaimed, and why all popular elections, which the freeholders are to make, as formerly of sheriffs and conservators of the peace, and still of coroners, verderers, and knights of the shire must even be made in *pleno comitatu*, or in full county court. By the statute, 2 Edward VI. c. 25, no county court shall be adjourned longer than for one month, consisting of twenty-eight days; and this was also the ancient usage, as appears from the laws of king Edward the Elder. In those times the county court was a court of great dignity and splendour, the bishop and the ealdorman (or earl) with the principal men of the shire, sitting therein to administer justice, both in lay and ecclesiastical causes. But its dignity was much impaired when the bishop was prohibited, and the earl neglected to attend it. And, in modern times, as proceedings are removeable from hence into the king's superior courts, by writ of *pone or recordare*, in the same manner as from hundred courts and courts baron; and as the same writ of false judgment may be had, in nature of a writ of error, this has occasioned the same disuse of bringing actions therein. The Not-

tingham county court is held in the Guild hall, every fourth Wednesday.

The *mayor and sheriffs' court* for the town and county of the town of Nottingham, sometimes also called the *king's court of record*, is held by charter from the crown of the 27th of Henry VI., in the following words: "And that the said burgesses of the said town, and their successors for ever, hold a court, at their pleasure, of all and singular contracts, covenants, and trespasses, as well against the peace as otherwise, and of all other things, causes, and matters whatsoever, arising within the said town, and the precincts thereof, except as before excepted, to be held from day to day in the Guild hall of the said town, before the mayor of the said town, or his deputy, and his sheriffs of the same for the time being, &c."

As this court is of such importance to a very considerable part of the inhabitants of this town, and not unfrequently so to non-residents, and as its rules of practise are so little known, even to attornies, except those that receive instructions from the steward of the court, we give a copy of the instructions thus furnished.

"This court is held on the Wednesday every fortnight, before the mayor and sheriffs, who are its judges. It is a court of record, and holds pleas of all actions, whether real, personal, or mixt, to any amount, arising within the county of the town of Nottingham. It is of infinite service in the easy and speedy recovery of small debts, and in the recovery of possessions, when withheld from the owners, and who otherwise could have no redress, except at the expense of nearly one-fifth of the value of the property withheld. The judges depute a steward for the purpose of issuing writs of *capias*,<sup>(a)</sup> the only *mesne* process of the court, on the requisition of any person, and for filing its proceedings, and recording its judgments. There are two sergeants at mace, who attend the court, and execute the process, and who are considered ministerial officers. To them it belongs to take bail, or pledges, for the appearance of any debtor when arrested; and they, and the sureties which they give to the sheriffs annually, are answerable for the responsibility of the pledges. These pledges are in the nature of special bail; and the same proceedings are had against them, as against the persons who are special bail in the courts above.

(a) The literal meaning of this word is, you take to satisfy. It is a writ authorizing the capture or seizure of a defendant, but in practise it is divided into two sorts. First, *Capias ad respondendum*—you take to answer. A writ issuing to take the defendant for the purpose of making him answerable to the plaintiff. Secondly, *Capias ad satisfaciendum*—you take to satisfy. A writ of execution after judgment, empowering the officer to take and detain the body of the defendant, until satisfaction be made to the plaintiff.

The steward is the under sheriff of the town, on the election of the new officers by the body corporate, at Michaelmas annually, he is appointed by the mayor and sheriffs, and takes an oath which is administered to him by the town clerk. All the attornies who reside in Nottingham, have a right to practise therein; but none who reside at a distance have been suffered so to do as a *matter of right*, although attornies are not admitted and sworn in this court as in some others. All attornies administer oaths of a debt, service of process, &c. but they ought regularly to have a commission so to do, although that is always dispensed with.

The rules for conducting the proceedings in this court are as follow, viz :—

That when any debtor shall be arrested and taken to gaol, on process of this court, the plaintiff shall be obliged to file a declaration against him at the next court day after his being taken to gaol, and shall enter, with the steward, a rule for the debtor to plead thereto, providing four days shall have passed between such debtor's going to gaol, and such court day (the day of going to gaol and the court day excluded) and if four days shall not have intervened, then at the first court after such four clear days shall have passed, and such plaintiff shall proceed at the first court after such declaration is filed, to enter in the steward's book a peremptory rule for the defendant to plead; and at the second court, after the declaration is filed, shall sign his interlocutory judgment, having first given the defendant personally, or left with the gaoler for him, a notice in writing in the usual form, of the declaration being filed eight days previous thereto, the day of giving the notice included, and the day of signing the interlocutory judgment excluded; and on such judgment being signed, shall enter into the steward's book a notice of executing the enquiry the next court day, and shall give to such prisoner personally, or leave with the gaoler for him, a notice in writing in the usual form, and the time and place of such inquiry being intended to be executed, eight days previous thereto, the day of giving notice included, and the day of inquiry being excluded, and shall proceed to execute his inquiry accordingly after such next court after interlocutory judgment signed; and shall proceed to sign final judgment, and charge the defendant in execution on the next succeeding court day after inquiry executed, otherwise the defendant, in fault of any one of such proceedings at the above times, shall be discharged at the court day, after such neglect made on motion, and entering a common appearance to the action. That no notice of declaration or inquiry shall be of any effect, unless the declaration shall be previously lodged with the steward, and the judg-

ment regularly signed in the steward's book. That, in case a prisoner shall plead a demurrer to any declaration or other proceedings, the plaintiff shall proceed to reply, or join in demurrer at the next court after such plea or demurrer is filed; and if such prisoner shall rejoin, the plaintiff shall file his rebutter at the next court day after the rejoinder is filed, and that whenever any issue of law or fact is tendered to the plaintiff, he shall join therein at the next court after it is offered in any proceeding by any prisoner personally, or left with the gaoler for him; a notice in writing in the usual form (issues not being delivered in this court) of the cause being intended to be tried, or demurrer argued at the next court after such issue is joined eight days previous thereto, the one inclusive and the other exclusive; and shall not afterwards countermand such notice of trial or argument. And that if the verdict be given for the plaintiff, he shall sign final judgment thereon, and charge the defendant in execution on the next court day after such verdict given. And that if any plaintiff shall neglect any one of the above proceedings at the above times, the defendant shall, on motion to and order of this court, entering a common appearance to the action, be discharged. That in all actions where the defendant shall be served with a copy of process of this court, or shall have given pledges for his appearance, the plaintiff shall be allowed as much time to proceed as he thinks proper so as not to exceed one year from the time the action is commenced, providing the defendant does not object. But the defendant shall always have it in his power to *nonpros* (a) the plaintiff in any stage of the cause previous to issue being joined, and having given two rules in the steward's book for him to declare; reply (b) surrejoin, surrebut, or join issue, on two several court days, previous to the court at which such judgment of *nonpros* is signed. That before any plaintiff shall be permitted to sign interlocutory judgment against the defendant, he shall have first entered into the steward's book two rules to plead, rejoin or rebut, at two several court days previous to such judgment being signed, and given to, or left for the defendant at his last or usual place of

(a) On the meaning of this compound, and yet abbreviated word, Blackstone speaks as follows under the head, *Private wrongs*, for if the plaintiff neglects to deliver a declaration for two terms after the defendant appears, or is guilty of other delays or defaults, against the rules of law in any subsequent stage of the action, he is adjudged not to follow, or pursue his remedy as he ought to do, and therefore a *nonsuit*, or *non prosecutor*, is entered, and he is said to be *non prossed*. And thus deserting his complaint, after making a false claim or complaint, (*pro falso clamore suo*) he shall not only pay costs to the defendant, but is liable to be amerced to the king.

(b) *Surrejoin*, a reply to a rejoinder. *Surrebut*, a reply to a rebutter.

abode, if he shall not have entered such appearance, then with his attorney, or at his place of abode, eight days notice of a declaration having been filed against such defendant, in the usual form, the day of giving such notice to be considered inclusive, and the day of signing the judgment exclusive; and before any inquiry shall be executed in any cause, a like notice shall be given. That in causes where the defendant is not in custody, the plaintiff's attorney, shall give the defendant's attorney eight days notice of trial, in the usual form, (issues not being delivered in this court), the one of which days to be accounted inclusive, and the other exclusive; and that, if the plaintiff shall not proceed to trial, nor countermand, by notice in writing, to be left with the defendant's attorney, or at his place of abode, four days before such intended trial, one of such days inclusive and the other exclusive, the plaintiff shall pay unto the defendant the like costs, as if such notice of trial had not been countermanded, to be taxed by the steward; and he shall not be permitted to proceed to trial until such costs are paid. That upon any issue being joined, if the plaintiff's attorney shall not, within two court days then after give notice of trial, and within three court days proceed to try the same, the defendant's attorney may, the third court, enter a rule for the plaintiff to try such issue the fourth court day, and in the meantime to give the usual notice of eight days thereof. And if the plaintiff's attorney shall not give such notice, then, at the fourth day or any subsequent court, notice of trial by proviso, may be entered in the steward's book by the defendant's attorney, who may proceed to give the plaintiff's attorney the like notice of trial for the fifth or any subsequent court, as he himself was entitled to before the plaintiff could have tried such cause; having given such notice, may proceed to trial thereon, at such fifth, or any subsequent court accordingly. That if a defendant surrender himself in discharge of the pledges, or his attorney shall give notice thereof to the plaintiff's attorney, from which time the proceedings must be carried on conformable to the rules for proceeding against a prisoner. That no *scire facias*, (a) shall issue against any pledge or pledges, until after a *capias ad satisfaciendum* has been issued, and lodged eight days inclusive, in the hands of one of the sergeants at mace previous to the return thereof. That a copy of such *scire facias* shall be served on each of such pledges, at least six clear days, both exclusive before the return

(a) A writ which orders a defendant to show cause why execution shall not be made out of a judgment which has passed against him,



thereof, and before it shall be returned *scire fesi*. And that if the defendant is surrendered in discharge of his pledges, at any time before the return of the second *scire facias*, and before the return of the first (if returned) *scire facias*, or on the return day, *cedente curia*, (a) the pledges be discharged. That in causes in ejectment, only one rule shall be entered to plead, reply, &c., before judgment shall be signed. That no longer time be allowed to a plaintiff, or a defendant, than is specified in the above-mentioned rules, except by leave of the court, on sufficient cause shewn. That before final judgment shall be signed upon any *cognovit actionem*, (b) or on confession of the damages which any plaintiff has sustained, an affidavit shall be filed with the steward of this court of the due execution of such confession of judgment and damages, together therewith. That no plaintiff be permitted to discontinue any action, but on motion to, and by leave of the court. That no declaratory plea, or plea in abatement, be admitted to be filed, after an imparlance. (c) That no rule be made for bringing up any insolvent debtor on his petition, for receiving the benefit of the Lord's Act within less than six weeks of such petition being filed."

**TOWN WATCH.**—"In this town by ancient custom, they did keep yearly a general watch every Midsummer eve, to which every inhabitant of any ability set forth a man, as well volunteers as those who are charged with arms, with such munition as they had, some pikes, some muskets, calivers, or other guns; some partisans, halberds, and such as had armour, sent their servants in their armour. The number of these yearly were almost two hundred, who at sun setting, met on the row, the most open part of the town, where the mayor's sergeant at mace gave them an oath, the tenor whereof follow in these words, '*To wit.*—They shall well and truly keep this town till to-morrow at sun rising; you shall come into no house without license, or cause reasonable. Of all manner of casualties, of fire, or crying of children, you shall due warning make to the parties, as the case shall require you. You shall due search make of all manner of affrays, bloodsheds, outcries, and of all other things that be suspected. You shall due presentment make of the same, either to Mr. Mayor, the sheriffs, or other officers. If any strangers come to the town, well and demeanably to behave yourself to them courteously, and to intreat them, and to bring them to their inns, and

(a) During the sitting of the court.

(b) This in law is where a defendant confesses the plaintiff's cause of action against him to be just and true, and after issue, suffers judgment to be entered against him without trial.

(c) Imparlance, in this case, means a motion for respite to put in an answer.

well and secretly keep the watch, and other things that belong to the same watch, well and truly do, to your cunning and power."

"One reason besides the points of the oath rendered for this custom was, to keep the armour clean and fair, with all their accoutrements, fit and ready to use upon any sudden occasion. In this business the fashion was for every watchman to wear a garland, made in the fashion of a crown imperial, bedecked with flowers of various kinds, some natural, some artificial, bought and kept for that purpose; as also ribbons, jewels, &c. for the better garnishing whereof the townsmen used the day before to ransack the gardens of the gentlemen within six or seven miles about Nottingham, besides what the town itself afforded them; their greatest ambition being to out-do one another in the bravery of their garlands."

This custom seems to have been lost in the regular military watch, established during the conflict between king Charles I. and the people; and that in its turn having ceased with the troubles which gave it birth, the corporation subsequently employed four watchmen, who, for want of some superior active power to *watch them*, became so remiss in their duty that they were discontinued. And in consequence of the numerous depredations committed, after the conclusion of the American war, the inhabitants in general, in the year 1788, formed themselves into associations for mutual defence. They accordingly agreed that every house-keeper should in person or by deputy, watch a night in rotation, in such parties as the respective associations agreed upon; this system, however, soon fell to the ground, as the poor found it a task frequently violatory of their necessary avocations; and the more wealthy adopted the late plan, which was so inadequate to the general security of the inhabitants.

The town is now divided into six wards, but anciently into seven, with an alderman presiding over each; the following is a description of the boundaries of the *old wards*, with the name of each.

1st, CHAPEL WARD, began at the north east corner of Friar lane, thence passing across the Market-place and up Sheep-lane, the west side of which it embraced, then crossing Parliament-street and going along Shaw's-lane till it reached the Mansfield-road, which it followed to the extremities of the town's liberties in that direction, then it skirted those liberties till it arrived at Radford, thence it passed on to the Park, and skirted the fields till it reached the Infirmary gardens, then leaving Standard-hill to the right, and passing down Park-street and Friar-lane, took in all the intermediate buildings to the place where it began.

2nd. **CASTLE WARD**, began at the top of Wheeler-gate, and ran up the south side of Friar-lane and Park-street, then turning obliquely from the Castle lodge it passed down by Brewhouse-yard, and over the Leen opposite the Castle wharf, the latter of which it left to the right, it then went by the engine house, and passed over the bridge at the bottom of Greyfriar's-gate, taking in the west side of that street and of Lister-gate, it then proceeded across the Low-pavement, through Church-lane, up the south and down the north side of Pepper-street; then taking in the buildings in St. Peter's church yard, and embracing the porched house opposite to the outlet from the latter place, it proceeded down St. Peter's gate to Peck-lane, comprehending both sides of the latter street, as far as the Punch Bowl coffee house, then proceeding down St. Peter's-square and up the east side of Wheeler-gate, ended at the corner of Timber-hill.

3rd, **MARKET WARD**, proceeded from the west to the east end of Timber-hill, then passing over to Middle-row and proceeding up Cheapside, it passed through and took in both sides of High street; it then coursed up the west side of Clumber-street and Milton-street, then proceeded up the same side of Mansfield-road, and turned on Shaw's-lane to Parliament-street, which it crossed and went down the east side of Sheep-lane, and then over the Market-place to the point where it began, and comprehended all the buildings within its circuit.

4th. **NORTH WARD** took its course from the west end of Pelham-street, then passing up the east side of Clumber-street and Milton-street, it proceeded up the same side of the Mansfield-road, and skirted the town's liberties in a direction which comprehended the Clay fields, the Coppices, St. Anne's Well, &c., as far as the Carlton-road and Sneinton, still skirting the town till it arrived at the end of Barker-gate, up the north side of which it passed into Stoney-street, the whole of which it comprehended; it then took in Short-hill and St. Mary's church-side, as far as the Long-stairs, it then embraced the whole of St. Mary's-gate, from the north end of which street it proceeded down Warser-gate, and passed up the north side of Carlton-street and down Pelham-street, to where it commenced, consequently it comprehended Hockley, Coalpit-lane, and all the masses of buildings in that direction.

5th. **BRIDGE WARD** began at the top of Garner's-hill, whence it passed down the east side of it, and through Middle-marsh, it then took in Broad-marsh, and passed down the east side of Greyfriar's-gate, at the bottom of which it crossed the Leen, and after compassing the town's liberties in the direction of Lenton, Wilford, Colwick, and Sneinton, it entered Barker-gate in the same direction

as the North Ward did, taking in the south side of that street; it passed through and embraced the whole of Bellar-gate and the Hollow-stone, then up Malin-hill and out at the top of the Long stairs, then comprehending the whole of the High-pavement, ended at the Blue Coat school.

6th. MIDDLE WARD proceeded from the Black Moor's Head in High-street, taking in the buildings to the end of Bridlesmith-gate, then up Chandler's-lane and round by the end of Stoney-street, it passed up the north side of Warser-gate till it arrived opposite to the end of St. Mary's-gate, when it embraced both sides of Warser-gate and Bottle-lane; it then passed along the east side of Bridlesmith-gate, turned back on the west side, and after directing its course down the Poultry, it ended at the Punch Bowl, in Peck-lane.

7th. MONT HALL WARD. This Ward proceeded down the west side of Garner's-hill, and up Drury-hill; it took the whole of the Middle and Lowpavements, as also Halifax-lane, Pilcher-gate, Fletcher-gate, Market-street, and Byard-lane, and when at the bottom of Low-pavement it proceeded down the east side of Lister-gate, and ended near the bottom of that street, where it met the Castle Ward.

CORPORATION SERVANTS.—These are nearly the same now as formerly, in respect of services and livery; there were two bridge masters, two school wardens, two coroners, two chamberlains, two sheriffs, a town clerk, who was also clerk of the peace, a sheriff's clerk, who is steward of the mayor's and sheriff's court, and clerk of the sheriff's county court, a surveyor or town's husband, two bailiffs, who are sergeants at mace, the mayor's sergeant, the common sergeant, who was also called the mayoress's sergeant, the keeper of the gaol, the keeper of the house of correction, a town crier, a field pounder, a meadow pounder, and the keeper of the fields and woods.

The bridge masters and school wardens were chosen annually, though it was customary, and conformable to an order of the hall, for the same gentlemen to be twice or three times successively re-chosen, that they might advantage the trusts committed to their care, in the subsequent years, by the experience obtained in the first year; and in consideration of the high importance attached to these trusts these officers generally were aldermen. The chamberlains and sheriffs were also chosen annually, and the chamberlains for one year are generally chosen sheriffs for the next; the two latter officers wore black silk gowns, as did the bailiffs who are their sergeants at mace. The town clerk likewise wears a black silk gown; the mayor's sergeant is also a sergeant at mace, he

carrying the mayor's massive and distinguishable silver gilt mace at all public processions, the present sergeant, and one of his predecessors in office, also holding the situation of high constable; and the common sergeant is keeper of the fields and woods, these two officers had one and the same livery, which consisted of a dark blue cloak trimmed with gold lace, and hats trimmed with the same material, and encircled with a gold band. The town crier and the keeper of the house of correction wore a red livery with blue cuffs, and trimmed with silver lace, and hats trimmed and banded with the same material, and the two pounders wore a green livery with similar trimmings to the two officers just named. Formerly there was a scavenger and a purveyor, but the duty of the former is performed by the chamberlains, and the latter has ceased to be necessary since hot entertainments went out of fashion.

Dr. Deering when speaking of the corporate servants, observes "the mayor and sheriffs had formerly an officer called a *bill bearer*, at present that office is unknown;" the only duty performed by any of the servants at this time which can bear any affinity to the appellation of bill bearer, is that of carrying out summonses from the mayor to the common council, &c., on corporate business, which is performed, as seems very natural, by the mayor's sergeant. Is it not reasonable to suppose, that the corporation shortly after their judicial inauguration, would employ an officer to carry the *securis*, or axe, and *fascis*, or bundle of rods, before them at their public processions, in order to impress their authority with an additional awe upon the multitude, in the same manner as the Roman magistrates were proceeded by their *lictors*? these instruments being the natural appendages of justice; and supposing this practice to have been pursued, the name of the axe or halberd might provincially be converted into bill, a circumstance no wise uncommon, and hence the bearer thereof would obtain the name of *bill bearer*.

CUSTOMS OF THE CORPORATION OBSERVED IN FORMER TIMES.—Annual procession to Southwell.—"The maiore of Nottingh and his brethren, and all the clothing in likewise to ride in their best livery, at their entry into *Southvill*, on Wytson Monday; and so to procession, Te Deum, without the maiore and oder thick the contrary, because of foulness of way, or distemperance of the weder; also the said maiore and his brethren, and all the clothing in likewise to ride in their livery when they be comyn home from Southvill, on the said Wytson Monday, through the town of Nottingh, and the said justices of peace to have their clokes born after them on horse back at the same time through the town.

"This is copied out of the leiger of  
Nott. town, by me, Fran Leek,  
Preb de Woodborough."

"By a custom, time beyond memory, the mayor and aldermen of the town, and their wives, have been used on Monday in Easter week, morning prayers being ended, to march to St. Anne's Well, having the town waits to play before them, and attended by all the clothing and their wives, *i. e.* such as have been sheriffs, and ever after wear scarlet gowns, together with the officers of the town, and many other burgesses and gentlemen, such as wish well to the *wood-ward*, this meeting being at first instituted, and since continued, for his benefit."

It is not necessary for a gentleman to have served the office of *sheriff*, in order to his being a member of the *clothing*, and consequently to qualify him for the situation of senior counsellor, the office of chamberlain qualifying for both. "By this it seems the sheriffs used to wear scarlet, as well as the aldermen; Mr. John Sherwin, in king Charles II. reign, claimed, when sheriff, the wearing of a scarlet gown, but gave offence in having it made, not like the sheriff's, but in the fashion of an alderman's gown."

On Good Friday, before the reformation, the inhabitants generally used to erect a small building to represent the sepulchre of our Saviour, in this was placed the *host*, (consecrated wafer) and persons were deputed to watch it both that night and the next. Various entries respecting this custom are still to be found in old church books and other ancient records; in those of "St. Mary at Hill," 1s. 2d. is said to have been paid to the clerk and sexton for two men to do this duty, and for their expense of meat and drink. On Easter eve they used to extinguish every fire, and then light one in the church, from whence the people fetched the hallowed fire to light their own.

Easter day dramas were played, representing the resurrection; Coates, in his history of Reading, quotes a bill of expenses for one of these shows, in the reign of Henry VII., among the items of which are—

	£.	s.	d.
Nails for the sepulchre, and rosin for the resurrection,....	0	0	2
A carter for carrying pypis and hog's-heads in the torbury	0	0	2
To the labourers for setting up the poles for the scaffold	0	0	9
To brede and ale and bere for the play .....	0	2	1
To twenty pounds of wax for the pascal fire .....	1	0	5
To making a Judas, for the pascal.....	0	0	4
	£1	3	11

On Easter morning the people used to rise betime and walk out into the fields to see the *sun dance*, which was steadfastly believed in; an old ballad, 1667, alludes to this very popular notion,—

“ But Dick she dances such away,  
No sun upon an Easter day  
Is half so fine a sight.”

And in the British Apollo, 1708, one of the songs thus interrogates Phœbus on the subject:—

“ Old wives,—Phœbus, say  
That on Easter day  
To the music o’ th’ spheres you do caper;  
If the fact, sir, be true,  
Pray let the cause know,  
When you have any room in your paper.  
To which his godship replies,—  
The old wives get merry;  
With spic’d ale or sherry,  
On Easter; which makes them romance,  
And while in a rout,  
Their brains whirl about,  
They fancy we caper and dance.”

The following story was firmly believed and very popular in this town, and the county generally, before the year 1228, as we learn from Matt. Paris. In that year there came an Armenian archbishop into England, to visit the shrines and reliques, preserved in our churches; who being entertained at the monastery of St. Alban’s, was asked several questions relating to his country. Among the rest, a monk who sat near him, inquired if he had ever seen or heard of the famous person, named *Joseph*, that was so much talked of, who was present at our Lord’s crucifixion, and conversed with him, and who was still alive, in confirmation of the christian faith. The archbishop answered that the fact was true; and afterwards one of his train, who was well known to a servant of the abbot’s, interpreting his master’s words, told them in French, that his lord knew the person they spoke of very well; that he dined at his table but a little while before he left the east,—that he had been Pontius Pilate’s porter, by name *Cataphilus*, who, when they were dragging Jesus out of the door of the judgment hall, struck him on the back, saying, “go faster, Jesus, go faster, why dost thou linger?” upon which, Jesus looked at him with a frown and said, “I indeed am going, but thou shalt tarry till I come.”

Soon after he was converted, and baptised by the name of Joseph ; he lives for ever, but at the end of every hundred years falls into an incurable illness, and at length into a violent fit of ecstasy , out of which, when he recovers, he returns to the same state of youth he was in when Jesus suffered, being then about thirty years of age ; he remembers all the circumstances of the death and resurrection of Christ, the saints that arose with him, the composing of the Apostle's Creed, their preaching and dispersion, and is himself a very grave and holy person. This is the substance of M. Paris's account, who was himself a monk of St. Alban's, and was living at the time when this Armenian bishop made the above relation. Since his time several impostors have appeared at intervals, under the name of the "*Wandering Jew*."

We had one of these impostors here a few years ago, in the north, who made a very hermit-like appearance, and went up and down our streets, with a long train of boys at his heels, muttering, "*Poor John alone!*" "*Poor John alone!*" in a manner singularly plaintive.

We may just glance at the varying price of agricultural produce and labour at this distant period, in 1416, wheat was 16s. per quarter ; and in 1463, the price was only 2s. per quarter. The bad state of the public roads at this time, in all parts of the country, rendered a circulation of agricultural produce exceedingly difficult and expensive, causing the prices of grain to vary exceedingly at the same time in different parts of the country. Sir J. Cullen informs us in his history of "*Hawsted*," the produce of 157½ acres of arable land on the manor farm, was 148 qrs., being an average of less than 8 bushels per acre ; on 57 acres of wheat, 24 of barley, 22 of peas, and 54½ of oats ; the produce of the different grains was ; wheat less than 6 bushels, barley 12 bushels, peas 12 bushels, and oats 5 bushels ; the produce of 61 acres of wheat for three years was under 210 qrs. and being followed by no rise of price, the crops were probably average ones ; when the produce of wheat, however fell to 6 bushels an acre, prices rose from 4s or 5s. to 13s. 4d. per quarter. In 1420, we find 8 acres of arable land let at 6d. per acre ; and 1421, 38 acres at 9d. per acre per annum, which was considerably higher than it was eight years before. The produce of an acre of hay, in 1448, was worth 5s. and the same, 1359.

**RENT.** In 1491, the abbot of Bury let two pieces of pasture, 18 acres, to a man and his wife and their executors, for 80 years, for 6s. 8d. per year, about 4½d. per acre. The tenants were to extirpate the thorns growing on them within the first 12. years, and the rent to be punctually paid on certain days.



THE VALUE OF LAND was variously estimated at 10 to 25 year's purchase, which would be from 5s to 12s. 6d., and 7s. 6d. to 18s. 6d. per acre in the 15th century, but it has been estimated at times as low as two year's purchase.

PRICE OF LABOUR. Emancipated villains on acquiring their freedom betook themselves to handicrafts and manufactures. 1405, a statute was passed to prevent any person of whatever estate, from putting his son or daughter of whatever age, apprentice to any craft or other labour within a borough, except he had land or rent to the value of 20s. yearly at least; but they should be put to other labours (agriculture) as their estates doth require, upon pain of one year's imprisonment, and to make fine and ransom at the king's will.

In 1444 another statute was passed, 23rd Henry VI. c. 12, enacting that servants in husbandry, proposing to leave their masters, must engage with a new one, and give notice to the old. The same statute endeavoured to fix the *wages of labour*, but such, it was declared, "as deserved less, shall take less, and also where less is used to be given, less shall be given from henceforth." The wages thus fixed are for the year, and with the exception of farmer's labourers, included meat and drink. A bailiff by the year was to receive 23s. 4d., and for clothing, 5s.; a chief hind, carter, or shepherd, 20s., and for clothing, 4s.; a woman servant, 10s. with 4s. for clothing; a boy under 14 years, 6s., with 3s. for clothing. The wages for a common servant-man, 15s., and 3s. 4d. for clothing, without food. In harvest the wages were higher, but those of a mower did not exceed 4d. per day, with meat and drink, without diet, 6d; of a reaper, or carter, 3d. with, and 5d. without diet; of a woman labourer, or other labourer, 2½d. with, and 4½d. without meat and drink.

ARTIFICERS.—A mason, or master carpenter, not to exceed 4d. per day with, and 5½d. without diet; of a master tiler, slater, rough mason, or other builder, 3d. with, and 4½d. without diet; of other non-agricultural labourers, 2d. with, and 3½d. without diet. From Michaelmas to Easter, they only received *winterva-ges*, which was 1d. a-day lower than here stated. The wages of blacksmiths, weavers, tanners, and other artificers, may be inferred from the above. Are these the good old times?

1477. Caxton, the first printer in England, set up his printing press at the king's almonry, Westminster, and amongst other works, printed a "History of the kings of England," 1491, by a monk of Warwick, called John Rossus, or Rouse, which, nevertheless, commences with the creation of the world, although it does not contain much that is interesting, till the author comes down to

his own age, the latter part of the 15th century. It furnishes some curious and interesting details both of the events and manners of that time, and supplies us with the *first History of Nottingham*.

## CHAPTER V.

**GUILD HALL AND THE TOWN GAOL.**—On the south side of the Week-day-cross, Middle-pavement, is the Town Hall, standing upon part of the old town wall, anciently called *Mont (Mount) Hall*, probably because it is situated on the top of the hill which leads up to Week-day-cross, and gave to the lane, going close by its west end, leading down into Middle-marsh, the name of *Mont-lane*, (Middle-hill). and to the street opposite to the hall, the name of *Mont Hall-gate*, afterwards called *Blow Bladder-street*, from the number of slaughter-houses that used to be in that neighbourhood, afterwards called *Flesher-gate*, but now Market-street.

This hall formerly was a low wooden building, wearing the badge of a very remote antiquity. The first room, and which anciently was the entire hall, was ascended by means of a flight of steps at the west end, nearly the same as at the present time, only they were narrow, and went up by the side of the hall, turning to the right, led into the western door, whereas the present steps ascend straight in front. In 1744, the west end and north front were taken down, and re-placed with a more substantial material, and raised several feet higher than their former elevation. The upper part of the north side of the building projects 6 ft. which is supported by ten neat columns, of the Tuscan order, forming a piazza, under which is the entrance to the prisons, and the gaoler's house, but the roof is the same as belonged to the ancient building. The timber of which it is composed, is framed in a manner nearly resembling that of the hall of Westminster, and being at the time it was taken down perfectly sound, was very properly preserved, and re-placed in its wonted situation, and there it is at the present day, after having resisted the storms of 600 years.

The large apartment at the west end, which is ascended by an elegant flight of broad steps, having iron palisades on either side, is the ancient Guild Hall, 39 ft. long, from north to south, and 32 ft. broad, from east to west, which is very conveniently and handsomely fitted up, as a court of justice. Here the Assizes for

the town, and the Quarter Sessions are held. The council of the Reformed Corporation also holds its quarterly and other meetings here, always sitting with open doors, which assemblies might not be inappropriately designated the *Town's Parliament*, of which the mayor is the speaker, it being part of his dignity at all public meetings of this kind to preside; at the south end, over the place where the judge in the circuit takes his seat, there used to be seen the king's arms, handsomely painted on the wall, and the arms of nine of the town's benefactors, with inscriptions under them, hung on either side.

At the back of the hall, southward, is a small room for refreshment for the judge, &c., during the sittings of court. On the east side is a large elegant room, neatly wainscoted, called the *council chamber*, which anciently did not belong to the hall. Here the mayor and his brethren, with the rest of the members of the corporation, before the Municipal Reform, used to meet and transact the business of the town, and here the *records*, and all other writings of the town, used to be kept in a strong iron chest, under three locks and keys, of which the mayor had one, the youngest alderman another, and the senior coroner the third. It continues to be used as a grand jury room, at the times of Assize and Quarter Sessions, and is adorned on the east side with a portrait of the celebrated Sir Thomas White, a bronze bust of Charles James Fox, a portrait of Mr. Coldham, late town clerk, and another on the south end.

The length of the room is 32ft., and 18ft. wide, at the east corner of which there is a small room or closet, and at the south-east corner, a flight of stairs leading through a door to the gallery in the Assize hall, erected for the accommodation of the grand jury, where they are sworn by the clerk of the court, and from whence they deliver the bills to the court. Under the ceiling of the grand council chamber, is a very handsome plaster cornice, very richly moulded in compartments, bearing alternately the town arms, and the *fascies*, *pileas*, and the *securis*, betokening it to be a place of justice, the meaning of which will be given in our description of the pediment in front of the county hall.

Sometime prior to 1642, a chamber which used to be over the old hall, was occupied as a depôt, by the trained bands of the county, for in this year the earl of Newcastle and Sir John Digby came to Nottingham, and endeavoured to seize the stores that were therein, for the use of king Charles I. but were prevented by the mild but firm remonstrance of Mr. John, (afterwards Colonel) Hutchinson, who at the head of the town's people, prevailed on them to abandon the design.

A dial adorns the north front of the hall, and another inward faces the judge's bench; the principal parts of the clock, to which the dials are attached, were made in 1808. The large bell, on which the clock strikes the hour, bears the following inscription "Thomas Mears and Son, London, friget 1807," and is suspended by a strong iron frame, surmounted by a vane, &c., rising to a considerable height above the roof, to which it is fastened. The hammer which strikes the hour is 28lbs., and the bell, which is of brass, weighs 2 cwt. 3 qr. 12 lbs. has a very fine mellifluous sound, and may be heard a considerable distance.

The soldiers stationed in the town used to have a guard-house under the hall, but in 1805 it was converted into a kitchen for the gaoler. Underneath the hall and council chamber is the door which leads to the gaoler's house and the prisons. Soon as you enter from the street, on the right hand, is a door, opening into the residence of the governor, which is very neat, and conveniently arranged for the purpose for which it is designed, having communications with the different parts of the prison; and also, by means of a step ladder through a trap door, to the dock in the Assize hall, at the bar of which the prisoners are tried. Retiring from the residence of the governor, through a strong wooden door, defended by large iron nails, and secured with strong locks and bars, you enter the lobby, underneath which is a large reservoir of trent water, containing an abundant supply of that necessary article for the whole prison. In this place, by order of the magistrates, is hung up the following notice, intended to regulate the conduct of those who may be admitted to see any prisoner; but as such individuals are mostly unacquainted with the restrictions the law imposes upon them at such times, many have incurred rebuke, fine, and imprisonment by violating these provisions, the law making no allowance for a man's ignorance. It is, therefore, necessary that we should give the following, which is a copy:

"Take notice, that if any person shall carry, or bring, or attempt, or endeavour to carry or bring into any prison, any spirituous or fermented liquor, it shall be lawful for the gaoler, keeper, turnkey, or any other of the assistants to the said gaoler, or keeper, to apprehend or cause to be apprehended such offender, and to carry him or her before a justice of the peace (who is hereby empowered to hear and determine such offence in a summary way,) and if he shall lawfully convict such person of such offence, he shall forthwith commit such offender to the common gaol or house of correction, there to be kept in custody for any time not exceeding three months without bail or mainprize, unless such offender shall immediately pay down such sum of money, not exceeding twenty

pounds, and not less than ten pounds, as the justices shall impose upon such offender.. 4th Geo. IV., cap. 64, sec. 40."

Beside the door which leads into the lodge, on the right hand, is a painted tablet bearing an inscription pointing out the advantages that poor debtors, unable to pay the expense of filing their petitions in court, may obtain from the benevolent society held in the "Thatched House" tavern, London.

"SOCIETY FOR RELIEF OF DEBTORS.—1st, Persons desiring assistance must apply to the keeper of the prison for a printed petition, which they will receive *gratis*.

2nd. The blank must be filled up exactly as directed in the margin, and sent post paid to be put into the letter box, No. 7 Craven street, Strand, London.

3rd. Such petitions will be considered the first Wednesday in every month, provided they are sent fifteen days at least before such meeting.

4th. Debtors who are charged in execution are desired to send their petitions immediately on being so charged.

Also such as are superseded immediately on their becoming so.

N. B. This application may be made by the insolvent debtor himself, or a friend on his behalf, without the intervention of an attorney, or incurring any *expense whatever*, beyond a postage or two.

The left side of this lobby is open to the debtor's yard, and the passage leading to their apartments, from which it is however divided by strong iron bars. 10 ft. high, and extending from the floor to the ceiling; here is an iron gate secured by a strong lock and bolts, which is passed by persons visiting the debtors, and directly opposite to this, at a distance of about 5ft. is another iron gate which opens into the yard of the female debtors and felons. Here the felons are brought up and stand inside this yard, when, by a magistrates order, any of their friends are allowed to see them, but the former are not allowed to pass through the iron gate in the lobby, to whom it must be a very painful circumstance, that during the few minutes they are allowed to see each other, which must always be in the presence of the governor, they cannot shake hands, being at a distance of 5ft. and having two iron gates between them, neither must their visits be prolonged more than *ten minutes*, when the privilege of seeing them is granted. Directly opposite to the door by which you enter this lobby at the south end, is a door opening into the turnkey's lodge, which is 5 paces by 4; here is a frightful array of hand-cuffs, chains, and irons of various gradations of weight, for the ancles, legs, waist, neck, arms, and hands, hung up on the wall at the south end of the room, which they completely cover from top to bottom.

Appaling as such a sight may be, on the left, or east side of the same room, suspended from iron pegs nearly as high as the ceiling, is a sight still more awful, for there are suspended the *halters of execution*, the instruments of death; to each halter is attached a label bearing the name of the culprit who was executed in it, and the crime for which he paid the forfeiture of his life; the governor, Mr. Robert Lineker, kindly supplied us with the following information respecting them.

No. 1 and 2 are the halters in which were executed Adam Adie, aged 29, and Robert Bamford, aged 20, for murder, March 22nd, 1822. The trial, which took place at the Spring Assizes, before Sir W. D. Best, elicited the following facts from the confession of W. Bamford, one of the accomplices in the murder perpetrated, Sept. 19th, 1818. "The Saturday night before the explosion at the Canal Company's wharf, he met Timms, and two other persons at the Artichokes, about six o'clock, and they agreed to go out together to poach; they went to the trent bridge, but as they were going it rained, and they turned into Chapman's public house, and stayed there till half-past nine o'clock, p.m. The first cup he paid for, then they all paid round, but when it came to Timm's turn to pay the second time, a dispute arose. A man was present with a wallet, who wished them all good night when Timms refused to pay for his cup in turn; the other two men said they would fit him out; they called him a d—d shabby fellow; the other two told Bamford they would have Timm's watch and money. When they were coming back, and passing over the trent bridge, one of them said to Bamford, 'now attend,' Adie then pinioned Timm's arms behind him, Bamford went in front, and took his watch, and three shillings in silver; Timms cried out, the third man then struck him, and blood came out on deponent, he stepped back, and Adie, who pinioned Timms, threw him over the bridge. They heard Timms cry out, 'O dear,' and the water gobble in his throat." A person of the name of Henry Saunderson, aged 31, from the county jail, for shooting a game-keeper to Sir Thomas W. White, at Walling Wells, in this county, was executed with them, on a new gallows on the top of Mansfield-road, in the presence of a vast concourse of spectators.

No. 3 and 4 are two halters in which were executed, April 2nd, Thomas Roe, aged 21, and Benjamin Miller, aged 21, tried before the Honourable Sir James Allen Park, March 17th, for the highway robbery of Samuel Marriott, on the 23rd October, 1822. It came out upon trial that this was a very aggravated case, and attended with frightful barbarity, for though their unresisting victim offered to surrender to them his watch and money, and whatever property

he had with him, this was not sufficient to shield him from their violence. They were attended to the place of execution on Gallows-hill, by the Rev. S. Mc Lund, chaplain, and the Rev. J. Jarman. Roe, it was believed, was merely a novitiate, but Miller had been early initiated in the principles of vice, and about the age of 17, commenced a course of infamy. After his condemnation he confessed various robberies and depredations in which he had been concerned; he had been several times in prison, and had been liberated only five days previous to his being taken up for the perpetration of the crime for which he suffered. The body of Roe was interred in the General Baptist Chapel, Broad-street, Miller's in St. Mary's burying ground.

No. 5 is the halter in which was executed Thomas Dewey, aged 26; he was tried before the Honourable Sir James Allen Park, for the murder of Maria Austin, at the house of Mr. Platts, bottom of Independent-hill. The murderer stabbed his unhappy victim with a butcher's knife, in the left side, of which she died, in forty-five minutes afterwards; he was executed July 22nd, 1825, on Gallows-hill. The knife with which he perpetrated this dreadful murder, is here seen, tied to the halter, and which on measuring we found to be 10 in. long.

No. 6 is the halter in which Samuel Wood, aged 30, was executed for the murder of his wife, Frances Wood, in a house at the back of Bunker's hill, Wednesday, 16th November, 1825. The trial took place in the Town Hall, 13th March, 1836, before Mr. Justice Littledale. When at the bar he was dressed in a brown coat, dark waistcoat, and yellow spotted handkerchief; he seemed to possess considerable firmness at first, heard the indictment read by the clerk of arraigns, and in an audible voice plead "*not guilty, my lord,*" and when asked how he would be tried, answered, "by my king and my country;" this was not noticed, and the coroner's inquest was read, to which he also pleaded "*not guilty,*" and again repeated, in answer to the usual question, "*by my king and my country;*" the gaoler wished him to adopt the usual form, and say "*by God and my country,*" but he repeated with some petulance, "*by my king and my country.*" Immediately after this his colour changed, his assumed firmness forsook him, he fell down backwards in a fit; Mr. White, surgeon, at the request of his lordship, went to the prisoner's assistance, and in a few minutes he was so far recovered as to be able to stand; his lordship called Mr. White, and while asking him whether he thought this man was able to take his trial, he relapsed into another fit, and would again have fallen, had he not been caught hold of by the gaoler and his assistants. His convulsive sobs and groans reverberated through

the hall, and after this he partially relapsed several times; at last he had a severe attack of hysterics, and Mr. Oldknow, surgeon, went into the prisoner's box; it took several men to hold him, in consequence of which his trial was deferred till the next day. After his condemnation, he appeared to resign himself to his fate, and ate a hearty breakfast on the morning of his execution. When brought into the lodge, at his own request, two pairs of irons were put on him; he left the prison at ten o'clock, wearing the blood-stained stockings and trousers in which the diabolical deed was committed. After execution, his body was given to the surgeons for dissection. Attached to this halter is the dreadful instrument with which he perpetrated the horrid crime; it is a coal-pick, having a blunt and a sharp end; on measuring we found the head to be 10 in. and the shaft 17 in., with this dreadful instrument he dashed out his wife's brains!

No. 7 and 8 are the halters in which were executed, Aug. 21st. 1831, William Reynolds, aged 18, and William Marshall, aged 21, who were tried at the Summer Assizes, before Mr. Justice Littledale, Thursday 21st of July, for a rape on the body of Mary Ann Lord. They were the first criminals who were executed on the new drop, at the south-west corner of the house of correction.

No. 9 is the halter in which was executed William Hinckley, aged 31, who was tried in the Town Hall for the murder of his wife, Fanny Hinckley, before Sir W. E. Taunton, at the Summer Assizes. Hinckley and his wife resided at Derby, from whence she had eloped with a joiner of Nottingham, of the name of Bull; Hinckley was out at work at the time of his wife's departure, who took along with her, boxes not only containing her own clothes, but also the best clothes of her husband, the bed curtains from the bed, and whatever else she and Bull could carry away; on returning from his labour in the evening of Monday, 23rd June, was exceedingly vexed that his wife had stripped the house, who, on further enquiry, he found had taken one of the coaches for Nottingham, having booked herself under the name of Martin. On the Friday after Hinckley walked over to Nottingham, and found his wife in lodgings in a house in Beck-lane; he entered the room, and endeavoured to persuade his wife to return and leave Bull, with whom she was then co-habiting, and whose joiner's tools were then lying about in the room; no persuasion of her husband could induce her to return with him; and, unhappily, his anger heightened into a rage, he knocked her down, and with a knife, with which he ate his meals. and usually carried in his pocket, cut his wife's throat, and when persons hastening to her assistance entered the room, he was lying across her body, hacking and



hewing at her with his knife without looking where. He was tried and executed in his best blue coat which his wife had stolen from him when she left his house at Derby; though a murderer, the whole of his subsequent conduct proved he was not that hardened man as those who die on a gallows generally are, and at his execution public sympathy wept at his untimely fate. Attached to the halter is the knife with which he committed the dreadful deed, it is one which clasps, having a broad strong blade, and is about 8½ in. long.

No. 10 is the halter in which was executed Richard Smith, aged 45, charged with a rape, on the body of Mary Green, tried at the Spring Assizes, Monday 14th March, in the town hall, before Mr. Justice Bosanquet; he was executed on the new drop, on Wednesday, the 30th March, 1836. His stature was about 5ft. 5in. light complexion, light sandy hair, full forehead, eyes rather sunk, flat nose, and the lower lip projecting, of a thin sharp visage, but muscular frame.

Lastly. A little further on, in the same line, suspended from an iron peg, are a bunch of skeleton keys, which have been taken from various felons, by whom they have been used to assist in accomplishing their nefarious designs; and beside these is suspended an open pen-knife, to which a label is attached, bearing this inscription: "With this knife William Clarke cut and wounded Samuel Crafts, in the act of robbing him on the highway, Sept. 29th, 1826." The governor informed us, that Clarke was one of the most obstinate and hardened ruffians that ever entered the prison, and that, during the time of his incarceration, his behaviour was so violent, that it was found necessary to impose on him heavier irons than any they had, and a complete set of new ones were forged for that purpose, and rivetted round his waist, legs, arms, and wrists; he was transported for life. Below on the same wall, is a tablet which contains a copy of the only charitable bequest that has ever been made to the unfortunate inmates of this prison, which was by that truly benevolent gentleman, Mr. Able Collin, whose other great and important acts of benevolence to the poor of this town, will be noticed in their proper place.

"Mr. Abel Collin, by his will dated the 4th of February, 1704, bequeathed as follows:

"I give and bequeath to the poor debtors in the Nottingham town gaol, or that shall be there yearly, the sum of one shilling weekly, the same to be paid by my executor and his heirs, on every Saturday, for ever; the first payment whereof to be made on the Saturday that shall happen next after my decease.

"H. ENFIELD, clerk of the peace."

In the lodge is preserved a stick, in which a large brag nail is very ingeniously fastened, with which a futile attempt to escape had been meditated by prisoners some years ago, but being discovered as soon as it was made, which, considering the strict supervision exercised over them, was sure to be the case, failed in its design, and exposed the foolish prisoners cognizant to the design to a severe discipline for the offence.

There is also a broom stick, which like the other instrument just mentioned, lies across the rails on which the halters are hung. The history of this stick is a calamitous one, for with it a man, 1st April, 1830, killed his wife, whom he caught in the act of adultery; though he declared the blow was intended for her paramour, whom it missed, and smiting his wife on the temples, instantly stretched her a corpse at his feet. He was tried for murder, and acquitted of the capital charge, but convicted of manslaughter.

Just as we were about leaving the lodge to proceed through the iron gate, on the east side of the lobby, a constable brought in a felon charged with stealing several pairs of silk gloves; as soon as he got in the lodge and the handcuffs were removed from him, he was searched, and every thing taken out of his pockets, his hat was taken off and examined, next his coat and waistcoat taken off, then his shoes, and these strictly examined to see if there was any thing concealed about his person, two duplicates were found; next he was removed to the *wash-house* where he would be stripped naked, and washed by the turnkey from head to foot, his shirt and stockings were taken away, and coarse clean ones put upon him; the governor then conducted us through the iron gate to which we have just referred; on the right hand, on a level with the ground floor, is a small platform or pavement, 11 paces by 4, guarded on the east side and south end with low iron palisades, and on the west by a wall of the prison, this is called the *top yard* for the debtors; underneath which is an arched vault, which opens on the west side of the wall into the felon's yard, and denominated their *day-room*. By the side of the debtor's top yard, descending by a flight of 17 steps, is a yard which is 11 paces by 9; in the north east corner, about 12 in. from the pavement, is a tap of trent water for the use of the debtors, who are allowed to play at fives in this yard, two hours a day; in the centre of this yard and underneath the pavement, is another large cistern of trent water, kept as a reserve to supply the engines in case the prison or any buildings around should take fire. This small area, which is called "the large debtor's yard," was, a few years ago, still more con-

tracted by the erection on the north end, at the foot of the steps by which it is descended, of two small but very useful buildings, that on the left hand of the steps for cleaning the persons of felons as soon as they are brought to prison, and on the right for a *workshop*, for those whose trade or calling may admit of pursuing their avocations here.

Encompassed by the same walls as those which enclose the debtor's yards, &c. and originally comprehended in the same area, a small triangular space, at the north-east side is partitioned off and appropriated to the female prisoners, common alike to that sex, debtors and felons ; passing through the iron gate which is directly opposite to that in the lobby, are the female day-rooms, which are two in number fronting the south, these rooms are arched over, being 5 paces by 5, this yard is necessarily contracted ; at the bottom of which is a small laundry in which employment is found for the female felons. Quitting this place on the right hand, by a flight of steps, at the top of which are two rooms over those appropriated to the females ; there is no yard to these rooms, but the doors open into a gallery, which is boarded in front 8 ft. high, so that the inmates in these places are shut out from all prospect and deprived of a free circulation of air ; by another flight of dark steps is attained the top story, No. 1, a small bed room ; passing on a lobby, directly in front, is a pump of trent water which is common to all the debtors ; to the left, two rooms over those to which we have just referred are appropriated to the females as bed rooms ; to the right is a door leading into a small room appropriated to the poorest debtors, whose friends are not able to pay for the accommodation of a feather bed, and who are consequently obliged to sleep on a straw mattress.

Beyond this day-room of the poorest debtors, is another day and sleeping-room. Both the last mentioned places run in a southern direction, having windows to the east. Westward of these rooms is the chapel,  $5\frac{1}{2}$  paces by  $6\frac{1}{2}$ , having a door opening into the lobby ; here prayers are read every morning by the chaplain, the Rev. S. Mc Lund, who also conducts a full church service and preaches a sermon to the prisoners every Sabbath morning ; opposite to the chapel is a double-bedded room, the ceiling of which is very low ; formerly this was a pleasant room, having windows to the street, but these have long since been bricked up and the only light now admitted into it is from a flat window in the roof, defended by strong iron bars.

**FELON'S PRISON.** Through a door on the south-west corner of the turnkey's lodge, down a flight of twelve or fourteen steps, is the felon prisoner's yard, which is 22 paces long and 11 wide.

The first thing that attracts attention as you enter, is the tombstone of William Hinckley, the murderer, bearing the initials "W. H." and "July 1834." He was the first criminal, according to the new act, who was sentenced here, that after execution his body should be interred within the precincts of the prison; opening into this yard are two rooms, each 5 paces by 4, these are the felon's day-rooms, they have a fire-place, and are seated round with wooden benches; to the north-east is an open area under the females yard of about 12 paces by 6, at the corner of which is a *slipper bath*. The light admitted into the place is chiefly through a large circular iron grate, about 18ft. diameter, level with the pavement of the female prisoner's yard. North of this place is a long narrow avenue, about 22 paces long from east to west, and about 3 or 4 feet below the level of the street; out of this avenue are entrances into the felon's sleeping rooms or cells, six of which are ranged in a line on the north side of the avenue, under the governor's residence, having iron-grated openings into them above the doors, 24 in. square. There are two similar cells on the south side of the avenue, towards the west end; these, beside a square draught hole into the avenue, like the former, have also a casement window each, looking into the felons' yard, which admits, at pleasure, a free circulation of air. The cells are eight in number, and apparently of the same size, 11 ft. long, 7 ft. wide, and 8 ft. to the centre of the arch. In each there is an iron bedstead, the length of which extends from side to side of the cell, intended for three to sleep in them, being 7 ft. wide; the bed consists of a straw mattress, same size as the bedstead, and 5 in. thick; at the head there is a smaller cross mattress, that serves the purpose of a pillow. These cells are dark and gloomy, even at noon-day; the doors are made of wood, filled with brag nails, and defended with plates of iron, are 5 ft. high, 18 in. wide, 4 in. thick, and secured with two bolts, one at the top, and another at the bottom, with staples and padlocks.

Officers of the town gaol, with the salaries of each;—

Mr. Robert Lineker, governor, July 1838, £150. per ann.

Miss Sarah Lineker, matron, July 1838, £20. do.

Rev. S. Mc Lund, chaplain, 1820, £60. do.

Mr. Robert Davison, surgeon, 1820, £42. do.

Mr. John Marriott turnkey, Feb. 1831, £50. do.

Concerning this prison the following remarks are found in the Inspector's Report, made to the Secretary of State, March 1st, 1838, p. 28:—

"This prison is attached to the town hall, the keeper's residence consisting of five rooms, being in the first story; the debtor's

apartments are seven in number, irregularly and inconveniently placed in the first and second floors, and to reach them the debtors have to pass the females' ward, the door of which is open iron work; the windows also look directly into the airing yards appropriated to females. The cells for the male prisoners below ground, are dark and damp; as a partial obviation of this latter inconvenience, chafing-dishes are occasionally put into them in the day time. There is only one airing yard for the male prisoners, with two day-rooms so situated as to defy inspection. The chapel, contrary to law, is made use of as a sleeping room for debtors. There is no infirmary. The prison is secure from escape, but not entirely detached from other buildings.

"DIET.—One pound and half of wheaten bread daily, one pint of milk, one pound of oatmeal weekly, with salt. Meat, puddings, and vegetables are allowed to be brought in to the untried prisoners daily, from twelve to half-past, and such of that class as are wholly destitute of means, have an additional allowance of three pints of milk weekly. Debtors are permitted to purchase a quart of beer daily, (one pint at a time). They all receive one pound and half of bread daily; a prisoner under sentence of transportation, is allowed to receive more than gaol allowance.

"GENERAL DISCIPLINE.—There is nothing deserving the name of discipline in this establishment; the separation even of the sexes is incomplete.

"I recommend the incorporation of the town gaol with the house of correction, which is quite sufficient for both. Should this not be legally practicable, the removal of all convicted prisoners, immediately after their conviction to that place, particularly transports, would at least be a relief. The washing for both prisons might with facility, and with more convenience, be done at the house of correction."

The average number of prisoners, 20, and expense for the year ending Sept. 1st, 1838, was £1064 14s. 3d.; law and administration of justice, £1952 19s. 8d. officers' salaries £352, included.

Whoever visits this prison, will be astonished with its extreme inconveniency to answer the purpose for which it is employed. The Act of Parliament, 4 Geo. IV. c. 64, requires that prisoners shall be divided into *four classes*. See Rule 6. Here nothing of the kind can be attempted, for want of room, but transports and felons untried herd together; as it respects females, the debtors are compelled to associate with all, even felons of the worst character.

Apart from all record, the very appearance of this prison presents no equivocal evidence of the remote and barbarous age in

which it was erected, for though every thing to remedy its inconvenience is done, which cleanliness can effect, so painfully circumscribed are the boundaries, both of the debtor's gaol, and felon's prison, so dark and gloomy, and (in warm weather especially) so choakingly close, almost to suffocation, for want of fresh air, that it is not too much to affirm, that as places of painful confinement, they exceed any other that we have seen in any part of the kingdom, and it is to be feared that in not a few instances, a lengthened imprisonment here has laid the foundation for years of subsequent infirmity, and unpitied langour, which has brought down many an unfortunate victim, who had previously a sound and vigorous constitution, to a premature grave. "It is indeed but just to consider, that though the law confines the bodies of the debtors, it does not countenance the ruin of their health; and though felons may have deserved death, yet they are not to be destroyed before they have been fairly convicted." Deering, p. 10.

**COUNTY HALL AND PRISON.** As no written document or historical tradition supplies us with any information, from which we may ascertain either the year, age, or century of their first establishment, it were utterly useless indulging any vague conjectures with reference to their origin; of this however, we may be certain, that ancient as confessedly is the town gaol, this of the county reaches to a period very much beyond that; it is likely there has been here some kind of prison, with a court of justice attached to it, before the Norman Conquest, before the Danish invasion, and co-eval, if not prior, to the early period of the Saxon dominancy, therefore, the present county hall is one of a series (perhaps the third or fourth) of buildings erected for the same purpose on this site.

For many centuries this was the felon prison for the counties of Nottingham and Derby, and remained so till [23rd Henry VIII., 1532, when an act was passed for erecting gaols in different parts of the kingdom, and the one now in Derby is expressly mentioned in the act as being amongst those that were to be erected. Here too the Assizes for Derbyshire were held in conjunction with those of Nottinghamshire, until the time of Henry VIII., with the exception of a short interval in the reign of Henry III., and another in the reign of Edward III., when Nottingham was disfranchised, during which time the Assizes were held in Derby for both counties, but when, as we have seen, the chartered privileges and immunities, which had been suspended, were restored to this ancient borough by the two before-mentioned sovereigns, the Assizes for both counties were consequently brought back to Nottingham, their wonted place. And, notwithstanding, the

Assizes for Derbyshire, since the reign of Henry VIII., have been held in their own county town, the same gentleman continued as sheriff to preside over both counties, till the 10th Elizabeth, 1586.

The old hall, which was removed to make way for the present building, was a low small erection of stone, having three arches in the front, and must have been exceedingly circumscribed in its original form, 27 ft. 6 in. in front, from east to west, and 54 ft. 6 in. deep, from north to south. A large pannelled table hung up in the old hall, on which were painted twenty-three *coats of arms*, with the bearers names under each, with this inscription, "Those whose names are here set down, being then in the commission of the peace for this county, were contributors to the building (enlargement) of this hall, A. D. 1618."

This table was some time after cut in two, and made use of to repair the west-end of the Nisi Prius bar; the following names were legible in the middle of the last century, and deciphered by Deering.

"Lord Cavendish, Lord Stanhope, Sir Perceval Willoughby, knight, Sir John Byron, Sir George Parkyns, knight, Sir George Lascellas, knight, Sir Gervase Clifton, bart., Sir Francis Leek, knight, Sir Thomas Hutchinson, knight, Folk Cartwright, esq., Hardolph Wastnes, esq. Robert Pierpoint, esq., Robert Sutton, esq. John Wood, esq., Robert Williamson, esq. Lancelot Rolleston, esq. Gervas Trevery, esq."

John Boun, sergeant-at-law, did, some years before the civil war, give a house at the west end of the hall, to the county, for the purpose of enlarging the building, and forming a Nisi Prius court, and probably to defray the expense of this repair and enlargement were the objects to which the contributions on the above-mentioned table referred. Still, notwithstanding this addition to the hall, its size was soon afterward found inadequate to the business to be done in it, and as there was a house at its west end, adjoining the one given to the county by Sergeant Boun, it was judged necessary that measures should be taken for its purchase, in order to its being added to the county hall; this house was once the property of Nicholas Kinnersley, gent. and Joan his wife, of whom it was purchased by Sir Thomas Hutchinson, knight, of Owthorp, in this county, and father of the celebrated Colonel Hutchinson, about the year 1662; and soon after the restoration of Charles II., this house was then the property of Julius Hutchinson, as Dr. Thoroton informs us, to whom the justices of the county deputed one of their body, Sir Thomas Parkyns, to persuade Mr. Hutchinson to sell them his house, for the purpose of making an additional enlarge-

ment to the hall. Of the price given by the county we know nothing, but it was such as Mr. Hutchinson accepted, and the house of the Hutchinson family in Nottingham, which was 40 ft. in front, by 20 deep, was incorporated with the adjoining *public building*; the present *Nisi Prius* court occupies the very spot where this house once stood.

Dr. Deering must have been mistaken in assigning to the erection of the *old county hall* the period of 1618, which was very near the time that Sergeant Boun gave his house for its enlargement, for it is hardly likely that a new building would have been formed without having the necessary conveniences for carrying on the business for which it had but just been erected; beside the patched state of the walls in his time, nearly a century back, and its barn-like appearance in 1750, with the gable end toward the street, which was used as a hay loft, bespeak for it a much earlier origin than 1618.

In the 11th year of George I., 1724, at the time of the Lent Assizes, while Judge Powis was delivering the charge to the grand jury, a beam in the hall floor gave way, which created the utmost alarm, and the crowd in the court sought safety in flight, amongst whom was the *high sheriff*, John Richards, esq. of Normanton, who, as he was amongst the foremost in escaping, still remembered the perilous state of the venerable representative of his majesty, then present, whom he was leaving behind, and feelingly exclaimed, in a voice of authority and indignation to the rushing throng,—“will no one take care of the judge?” who was old and scarcely able to walk, but by some means his lordship in safety reached the door, and instantly denounced a fine of £2000 on the county for not keeping the hall in a proper state of repair, which by an order from the king’s bench, was to have been put in force, but failed in consequence of its not being determined how the same should be levied; but so far from this threatened fine forwarding the building of a new hall, it retarded that measure many years. It must have been in contemplation to have a new hall, in which to conduct the county business, about the time that the accident occurred, because Sir Thomas Perkyins, bart, of Bunny, refers to it in his *queries and reasons* against erecting a hall in Nottingham Market-place, printed in 1724; in which year it seems the county magistrates met at Rufford, and signed an order for *joining the corporation* in the expense of erecting a new hall in the Market-place, for the joint use of the town and county, and this was the time, and this the occasion of the present *Exchange* being built.



It was well this plan of union was not carried into execution ; the old hall was repaired at this time, and the Assizes and general quarter Sessions, &c. continued to be held in it as formerly for the next 36 years. 1770, this ancient fabric was taken down, and the present magnificent building erected ; its north front facing the street is of stone, brought from Castle Donington, in Leicestershire ; but in consequence of some of the stones in it being placed the wrong way of the grain, began to show signs of premature decay, and it was found necessary to stucco it some years ago. The entire length of the building, including its two wings, and the entrance to the prison, is 151 ft. from east to west, about 40 ft. from north to south, having an altitude of 42 ft. The north front, which is defended by strong iron palisades, having a pair of gates of the same material, and four massive columns, 4 ft. diam. supporting a bold cornice, which runs the length of the building, above which, in the centre, is a magnificent pediment, bearing an inscription, of which the following is a copy :—

THIS COUNTY HALL

Was erected in the year MDCCLXX,  
and in the tenth year of the reign  
of his Majesty George the III.

In a lower compartment of the pediment, standing out in bold relief, are the *fascies*, or bundle of rods, which was anciently carried before the Roman consuls, in their state processions, quartered with the *pileas*, a cap or bonnet, to cover the head. This cap on a pole, as seen here, signifies liberty, *Servum ad pileum vocare*, to give him his freedom, and, according to Livy, is in allusion to a custom of the Romans, on their admitting any man to the privileges of a free citizen ; which consisted, first, of shaving his head, and then putting on this *pileas*, or cap of liberty. The *securis*, or axe, is seen in the midst of the *fascies* ; the meaning of these emblematic designs is to teach us that the strength and justice of the law constitute the foundation and bulwark of liberty. Passing through the iron gates in the front, by an easy flight of six broad stone steps, you ascend to a pair of large folding doors, in the centre of the building, on the north front, opening into the large entrance hall, which is a spacious and elegant saloon, extending the whole width of the building, 14 ft. wide, lighted from the top, by a glazed dome. On the right hand the *Nisi Prius* court is entered by five doors ; one at the extreme right and left, leading up into the front and side galleries, for the accommodation of strangers, during the trials of Assize ; two doors nearer the centre for the admission of jurors, counsel, witnesses, &c. ; two folding doors in the middle, opening into what is called the court of the

public. The judge passes through a door in the right wing of the building, and ascending by a flight of steps, erected for the purpose, enters the court at the west end, at the centre of which he takes his seat. The fitting up and the whole appearance of this court is exceedingly neat, perhaps elegant, and though smaller than courts of justice usually are, is well adapted to answer the end for which it was designed. The area of this court is 44 ft. from east to west, and 27 ft. from north to south. Retiring from this court into the grand saloon, or entrance hall, just before you, on the left or eastern side, is

THE CROWN COURT for the trial of felons. Its doors of entrance, side and front galleries, seat of the judge, area of the court, &c., and general arrangement, correspond with that of the *Nisi Prius* court, which we have already described. Therefore, leaving this court, you are again in the entrance hall, at the middle of the south end of which is a door, leading into the *justice-room*, in which the county magistrates meet every Wednesday and Saturday, in Petty Session, to transact any business that may be brought before them. On either side of this door there used to be suspended a flag and a kettle-drum, and over it a latin inscription, commemorating the achievements of the "Duke of Kingston's light horse," when fighting against the Scottish pretender, at the battle of Culloden-moor, 17th April, 1746, and to which regiment the flags and kettle-drums belonged. These, however, have been long removed, and the following inscription placed over the door, which, because it should be known to all parties that may have business here, we give the following, which is a copy:—

"Shire hall, Nottingham, 3rd May, 1828.

"Take Notice, that unless parties attend this half at the time stated in their summonses or warrants, their cases will be dismissed with costs, to be paid by the party that does not attend.

"By order,

W. Sculthorpe."

On passing through the door you enter into the magistrates room, which commands a beautiful prospect over the debtor's yard into the meadows; the room is 32 ft. long and 20 ft. wide, here the Petty Sessions are held twice a week, as has been already stated. At the west end of this room, in a niche, and in it surmounting a pedestal of the same material, is a beautifully executed white marble bust of the late William Sherbrooke, esq., of Oxtou, bearing the following inscription underneath:—

"William Sherbrooke, of Oxtou, born 1738, died 1831, endowed with vastness of intellect, soundness of judgment, and energy of character, which would have raised him to distinction in any

sphere; he confined the exercise of his talents to the service of his native country, in which, as a magistrate, and for many years chairman of Quarter Sessions, he ably conducted the public business, and lived the true model of an English country gentleman." His friends and brother magistrates have raised this bust to his memory. On the north side of this wall, suspended in massive gilt frames, are two splendid paintings, full length likenesses of their late majesties, George III., and queen Charlotte, his wife; each of the frames is surmounted with a crown imperial, encompassed with wreaths of oak leaves richly carved and gilt; underneath is the following inscription:—"The gift of the honourable Charles Herbert Pierrepont, 1805."

There is a door at the west end leading into a smaller room 10 ft. long and 13 ft. wide, in which there is an excellent *law* library; returning from this room, at the opposite, or east end of the large justice room, is another for the use of the magistracy, containing various law books and papers of memoranda, and a tablet referring to particular and very moderate charges of bailiffs and others in distresses for small rents, beyond which, if any demand exceed, the defendants may recover treble damages with costs of the parties so offending against the law.

North side of this room, a door leading down a dark winding staircase, is the turnkey's lodge; on entering which a dreadful array of chains, handcuffs and irons for various parts of the body of felons garnish its western wall, similar in appearance to those already described in the turnkey's lodge, belonging the town prison; the things that excite the greatest interest in this lodge, are.—

No. 1. 1815. An oak cross bar, or door fastener, 3 ft. long, 3 in. wide, and  $1\frac{1}{2}$  in. thick, with which John Hemstock, aged 20, tried before Mr. Justice Bailey, Lent Assizes, 21st March, 1815, murdered James Snell, a boy twelve years of age, in the house of his uncle, John Wells, farmer of Clarborough, Nov. 15th, 1814. It came out upon his trial, that Hemstock was a farmer's servant out of place at the time when he perpetrated the murder, which was the day East Retford statutes were held, which he attended, where he saw Mr. Wells, of Clarborough, his wife, and servant boy, of whom he enquired if the servant girl was come to the statutes, and he answered he did not know, but she was to be there. Hemstock judging the house was left without any one to protect it, immediately hurried to Clarborough, with the design of robbing it, well knowing where the money was usually kept, having lived servant there; arriving he found the poor boy alone in the care of the house, who no doubt resisted Hemstock's design as

well as he was able. "He was saucy," the ruffian said, "and then I took the bar and dashed out his brains, and afterward cut his throat with a razor." Leaving the body in the corner of the kitchen, he took the cleaver and with it broke open the desk where the money was kept. He found two £1 bank notes, of the old Retford bank, which had been stopped some years, but not being able to read he thought they were good; and taking these, made his retreat from the house back again to the statutes, where he bought two pairs of stockings for 5s. 6d. of a pedlar named Moss, to whom he presented one of the notes, who, not being aware it was bad took it in payment, and gave him back 14s. 6d. in change. After this he bought another pair of stockings of the same man, and then gave him the other note, saying he would not pay him for that pair, except he would change the other note also, which he did; paying these notes led to his apprehension and conviction. When the judge passed sentence of death upon him, and afterwards that his body should be *dissected*, he wept, and begged that part of his sentence might be remitted, but it could not be complied with. He was taken in a cart to the place of execution on Gallows-hill, and before he was turned off, warned the spectators from his fate to beware of giving way to *passion*, which had brought him to ignominy and death,—for he never contemplated injuring the boy or hurting a hair of his head."

No. 2 is the oak hedge stake, 5 ft. long, with which Charles Rotherham, aged 33, tried before Mr. Justice Bayley, 24th July, 1817, murdered Elizabeth Sheppard, of Papplewick, aged 16, in a valley near the third mile stone on the Nottingham road from Mansfield, where she had been to seek a situation of service, There is no doubt he first intended to injure the girl, and being resisted, went to the hedge and drew a stake with which he took the poor creature's life; all that he took from her, for she had no money, was a pair of new shoes from her feet, and an umbrella; the shoes he offered to sell for 2s. to the landlady of the "Three Crowns" public house, Red hill, saying that they were his wife's who had left him; the landlady declined having any thing to do with them. Rotherham lodged there that night, and took the shoes with him into his bed-room, and when he went away the next morning left them behind him. He passed through Nottingham, and when at Bunny sold the umbrella for 2s.; Mr. Benjamin Barnes, high constable of Nottingham, apprehended him that day a little on this side Loughborough, and discovered *spots of blood* upon him. The wretch confessed his crime, and when taken the next day from the county gaol to Sutton-in-Ashfield, to the Coroner's inquest, passed by the place where he had

perpetrated the murder, and was very particular in describing every part of the horrid deed ; " that was the place from whence I plucked the hedge stake with which I killed her, and that was the ditch in which I threw the body. (a) I rifled her pockets, and then unlaced her stays in front to see if she had any money secreted in her bosom, but found nothing." He was born at Sheffield, and apprenticed to a scissor grinder, to a Mr. Parker,—served all but his last year, which he bought out, and soon after enlisted as a driver in the artillery, in which he continued twelve years ; during this time he was in many engagements and sieges, without ever being wounded, he was executed on Gallows-hill.

No. 3, 1823, a large iron spike found secreted upon the person of Joseph Smedley.

No. 4, 1825, a large iron poker, 3 ft. long, bent in the form of a *grappling iron*, by two notorious thieves, named Boot and Sills, for the purpose of escaping from prison, but were anticipated in their design by the turnkey discovering the instrument,—they were transported.

No. 5, 1826, a skeleton key found upon the person of Matthew Boot, when taken up on a charge of felony.

No. 6, 1826, an instrument formed of wood and iron, with which Robert Hitchcock unsuccessfully attempted to break out of prison. This was one of the most daring and successful characters read of in the annals of crime. He was transported for life for horse stealing, at the county hall, the Spring Assizes, 27th March, 1826, afterwards he was removed to the Hulks, and was sent off in one of the convict ships, to "Sydney, New South Wales." From this place he effected his escape by means of a merchant ship, in which he secreted himself, and got safe back to England in little more than two years from the time he left the country. He did not leave his thievish practices behind him, in any of his long journeys, nor did the fear of another capture, or dread of the punishment attending a *second* transportation so far operate on his mind as to induce him to seek for a subsistence in any of the pursuits of honest life ; but recommenced his old habits of *horse stealing*, and obtained a high rank, if not to be placed at the head of what he called his profession. For about two years the western counties of England were the places in which he carried on business, and stole many horses in those parts, some of them were of a valuable kind, of which he disposed at high prices for exportation. He had several narrow escapes, toward the latter part of the

(a) There is a stone monument, with an inscription when it was erected, upon the very spot.

time; he was quietly following the duties of his calling in the west, when he judged it most prudent to remove from those parts where there was so strong a *prejudice* against him, and set up in another part of the country where he was not *quite so well known*. On his way north-ward he stopped part of one night to relieve a gentleman of a valuable nag then in his stable, at a small markettown, Hinckley, in Leicestershire; he had made an entrance upon the premises—forced open the stable door, saddled the horse, and had been at all the trouble without charging any one a farthing, when just as he was putting the bridle bit into the horse's mouth to remove him; without any invitation on Hitchcock's part, in walked a constable, between whom there was a desperate encounter, but in the end he was overcome, and taken who had intended to *take* the horse. He was removed to Leicester county gaol, and Mr. Brierley, of Nottingham, governor, was applied to as to character, &c.; he was identified as a *returned* transport, and without trial sent back to Botany Bay, (a) his old quarters; when lying a second time in Newgate, he saw and recognized Mr. Brierley, who, at that time, had just delivered some convicts into the same quarters. He was sent off a second time, as we said, and before he had been abroad twelve months escaped a *second time*, returned to England, and it is believed has resumed his commission of horse stealing; from which he has been twice temporally suspended, and is at large at the present day.

No. 7, is the broken blade of a razor, rivetted into a rude wooden handle, taken from a notorious felon of the name of Abraham Stannion, who was sentenced to transportation; we understand the use of this instrument was for cutting out pannels of window shuts and doors, for which it seemed admirably adapted.

No. 8, is the tremendous bludgeon with which William Wells, aged 46, who was tried 16th March, Lent Assizes, before Sir W. D. West, knocked down a poor old man, Joseph Cordon, a shoemaker, of Basford, aged 77. It appeared from the evidence brought against him upon trial, that as the prosecutor was returning from Nottingham, on the evening of 7th March; turning off the forest up Basford lane, Wells came suddenly after him, and without speaking a word, knocked him down with this willow

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(a) "Mr. Joseph Cross, was governor of the county gaol, at the time Hitchcock was convicted of horse stealing, but at the time he was apprehended I was governor, being written to on the subject, I sent John Cross, of Nottingham, brother to the late governor, who identified Hitchcock as an escaped transported convict."

bludgeon or hedge stake; it is rather crooked, 3 ft. long, and  $1\frac{1}{2}$  in. diameter; the ruffian then fell on his victim with his knees on his stomach, and struck Cordon on the head and temples several times, as he lay weltering on the ground; tearing the poor man's top coat open, he drew a knife, saying "your money or your life," witness gave him two sovereigns and twelve shillings in silver; just at this moment two men of Basford entered the lane, and saw Cordon and Wells down near the middle of the road, and thinking they were drunk, shouted, Wells rose and ran towards them, one of whom collared him, and Cordon called out "he has robbed me." He was cast, condemned, and executed for this aggravated offence on Gallows-hill, and was the last culprit executed there.

No. 9, 10, and 11, are thick ropes platted of shirts, sheets, bed rugs, handkerchiefs, &c., as instruments of meditated escape from prison; but which had never been put in use, having been discovered by the vigilance of the keeper.

Leaving the turnkey's lodge on the left, a door leading through a small paved yard is No. 1, a light room having an arched roof, 8 paces square; formerly this room was appropriated to the female prisoners, but now it is used as a workshop for any debtors who may have the means of employment when confined in the gaol. A little lower down south, is the principal yard for the debtors, which is a large paved open area of 32 paces long and 22 broad, having an iron palisade on its south side, not only admitting a free circulation of air, but also commanding a most extensive and beautiful prospect across the meadows, Ruddington hills, Clifton and the fertile vales of Belvoir and Trent. The turnkey informed us that the debtors generally admit *it is a much pleasanter prospect from the meadows here, than it is from hence to the meadows*. Had there been a wall instead of palisades, this yard would have been as gloomy as prisons are generally, and certainly it reflects the highest credit on the humanity of the county magistrates, and shows with what carefulness they have provided for the supply of every possible comfort to the unfortunate inmates of the prison; the governor informed us that under this court there are extensive excavations, and that in 1833, the roof of one of them gave way, about the middle of the yard, precipitating the flags of the pavement into the cavern below, which on descending was found to be 24 ft. deep, and to have a passage from S. W. to N. E. extending the length of the court, and passing under the east wing of the county hall toward the Old Angel, "Bugge Hall." It hardly admits of a doubt, that this and other caverns about here, have been used, if not excavated, by

the respectable families of the Bugge's, Willoughby's, Mapperley's &c., merchants of the staple, in which to conceal great quantities of wool, gotten together for the purpose of exportation to Calais.

A large portico at the south-east corner of this large court leads to the debtor's gaol; ascending four steps is No. 1, a day-room, 17 ft. by 12 ft.; south of this, a door leads into No. 2, a three bedded sleeping room, 18 ft. by 15 ft.; east of this is No. 3, a day and sleeping room, 15 ft. by 11.; north of this is another sleeping room, No. 5, 18 ft. by 10 ft.; here also is a door for debtors; leading into No. 6, the chapel, which also is entered by a flight of 22 steps from the lobby leading to the governor's residence and the felon's prison; it is a room 24 ft. by 18 ft. most conveniently fitted up at the north end with a reading desk, &c.; on the left of the pulpit is a square pew, boarded 7 ft. high, appropriated to the females, it is entered by an aisle which runs directly from the door by which the chapel is entered on the west, and in the front are three pews filling the south side,—the first on the right is appropriated to misdemeanors; that in the centre, to felons; and that on the left for debtors; the Rev. W. Butler is the chaplain; a library is attached, of which the chaplain has the management. There are two tablets in the chapel, one of Mr. Abel Collin's, recording a gift of that gentleman, of 1s. a week to the poor debtor's in the county, similar to that of the town, to which we have previously referred, (page 424); the other is at the back of the pulpit. "Henry Hanley, of Bramcote, in the county of Nottingham, esq. by indenture bearing date 3rd day of October, 1646, gave to the prisoners of the county gaol, the sum of £4 per annum, to be equally divided amongst them, at four several days in the year,—on the day of St. Thomas the Apostle, on the feast day of the Annunciation, St. John the Baptist, and St. Michael the Archangel. On the north side of the yard is No. 7, bed and day room, 20 ft. by 11 ft. a part of the floor of this room also fell into a deep cavern six years ago, but no person was injured in this or the other place when the accident occurred; on the left of this is No. 8, a day and sleeping room 15 ft. by 10 ft. left of this is another, No. 9, for the same purpose, 15 ft. by 15 ft.

THE HOSPITAL is a little further on; ascending ten steps is the surgery, 6 paces long, 8 wide; fifteen steps higher on the right, is the *fever* ward, 6 paces by 6; the sick ward is of similar dimensions on the left, and in front the *convalescent* room, 16 ft. long by 14 ft. wide. These rooms are all remarkably light, airy, and pleasant; there was one patient, a felon, in the hospital when we visited it, the poor fellow was clean and comfortable.



The new prison for felons, erected 1833, at a cost of £6000, is entered on the west end of the large debtors yard, by a door which opens on a gallery running along the north side of the prison; the first room on the south side is appropriated to the turnkey, and has a window commanding a view into the four yards for felons, which are two stories below the rooms in this department of the prison, ranging in the same line with this, are five rooms for felons, one day-room 20ft. long, 12 ft. 6 in. wide, and 8ft. 6 in. high, window 4 ft. 6 in. high, and 2 ft. 7 in. wide, door 6 ft. 4 in. high, and 2 ft. 9 in. wide; after this, four sleeping rooms for felons, same heights as the former, 12 ft. 8 in. long and 8 ft. 6 in. wide; the story above this is ascended by nineteen steps, has rooms exactly answering to those we have just described, four sleeping rooms and one day-room, only that the turnkey's bed-room has one window looking north, into two large new yards 22 paces long, and about 12 wide, having a tap in the centre of each for the use of the felons, and another window south, overlooking the felon's four yards, in the lower part of the prison.

Descending by a flight of twenty-two steps from the level of the debtor's yard, is the long gallery, so called because that which is the third gallery from the top of the new, is the first gallery of the old prison, which is only two stories high, and was erected 1770, enlarged and the south boundary wall re-built 1789. The gallery of the two prisons being here on the same level, constitute this long gallery, which is 63 paces. The rooms in the new part of the prison westward, are six for sleeping rooms and one *solitary* confinement. They are 12 ft. 8 in. long, 8ft. 6 in. wide and 10ft. 7 in. high, the doors are 2 ft. wide, 6 high, the windows large and light and the rooms airy. On the east, the old part of the prison, is a range of eight cells, these rooms are 8 ft. 6 in. long 7 ft. 6 in. wide, and 9 ft. 6 in. high to the centre of the arch. The doors of wood are 2½ in. thick, 2 ft. 4 in. high, and about 1 ft. 10 in. broad, windows, arch-topped, 4ft. 6 in. broad, by 2 ft. 8 in. high, the windows of every sleeping room in the prison, except two, are light and airy, having casements in them, and a large draft hole of 2 ft. by 1 ft. on the opposite side, opening into the gallery, so that the unfortunate inmates need never be in want of pure fresh air. Descending from this gallery 22 steps, you arrive at the lowest story, which is divided into four large day rooms, having each a separate yard; these four yards and day-rooms, numbered from east to west, 1, 2, 3, and 4, average about 16 paces by 12, and occupy the whole of this story, except a dark dungeon called a "*refractory cell*." Fifteen steps below is a furnace for the purpose of heating the prison, which is flued from bottom to top.

At the east end of the long gallery, up a flight of 6 steps, is the lobby of the governor's residence, eastward of this a little, is the female felon's room, 25 ft. square, and 10 ft. high, to this there is a bath and laundry; also a small yard is attached; over the south end of which, a pack-woman, an itinerant thief, named Johanna Ledwhich, of Cork county, sentenced to seven year's transportation, at the March Assizes, 1831, made her escape by means of a small cord, with which she attempted a descent, but it broke in the act, and she would have been precipitated a depth of 70 ft., but fell upon the roof of a high house, from which she rolled on one lower, next on a brew-house, and then fell on the ground. She must have been considerably injured in her person from these falls, the wonder is she was not dashed to pieces on the spot, but whatever fractures of bones might greet her adventurous descent, she brought it to a successful issue, made good her escape, and has never been heard of in Nottingham since.

In the house of the governor we were shown, as preserved by him,

No. 1. The halter, 12 ft. long, in which William Wells, the highwayman, was executed, (page 437).

No. 2, 3, and 4, are the halters in which George Beck, of Wollaton, aged 20, John, alias Thomas Armstrong, of Pleasley, aged 26, and George Hearson, of Nottingham, were executed on the new drop, in front of the county hall, 1st Feb. 1831; also the cords with which their arms were pinioned, the particulars of whom will be given in our account of the burning of the castle, &c. in 1831, for which they suffered.

No. 5, is the halter in which William Clayton, aged 18, of Clarbrough, was executed for the murder of Samuel Kay, aged 41, a butcher of Sutton-cum-Lound; he was tried at the Lent Assizes, before Sir Thomas (Lord) Denman. All the evidence against him was circumstantial, but so conclusive as to leave no doubt in the minds of the jurors as to the reality of his guilt. The facts of the case are these, Clayton was in the habit of assisting Kay in slaughtering his cattle, and also of cleaning his horse when he returned home from Bawtry market, which he attended every week; on Thursday, 27th Dec. 1831, as he returned from this market, Clayton, by appointment, met him in a lane near his own house, and Kay got down from his cart, and they went both together through a ploughed field, for a shameful purpose, the butcher made an attack upon the youth for an infamous design, and being a very powerful man would soon have overcome Clayton, had he not drawn his butcher's knife, and aimed a deadly

blow with it in the neck of Kay, which killed him. It was against a stack of hay where the horrid deed was perpetrated, and there was a dunghill near to the place; Clayton then stuck the knife in the ground, which was soft through rains that had fallen for some time, and afterward stamped it lower than the surface with his heel; he then took the butcher's watch and money, two sovereigns and a handful of silver, and these were the means which led to his apprehension. Several persons had been taken up on suspicion of having perpetrated the murder, but no one in the least suspected Clayton of having any hand in the crime; some time after in a public house, he showed some sovereigns to his companions, whom he treated with ale; being known as a poor lad this was talked of in the town, and a constable apprehended him on the charge of perpetrating the murder, 5th January; the watch he hid in a hay stack near his father's dwelling. On his trial he attempted, but could not, satisfactorily account for the manner in which he came in possession of the money. Early on the morning of the trial, a man went to the hay stack where the watch had been secreted, for a cutting of hay, when this part of the stolen property was also found;—sent off express by a magistrate, and was introduced in court after the trial had been some time in progress, this completed the evidence against him. He was cast, condemned, and executed on the new drop in front of the county hall, 2nd April, 1833. A cast of his head was afterward taken by Mr. Bally, now in Mr. Brierley's possession, the features do not appear much distorted, but there is an unnatural fullness in the face, which is swollen, a deep groove is seen running round the neck, distinctly marking the course of the fatal rope with the noose rising behind the left ear; altogether there is a sadness investing this work of art, which renders it a subject of contemplation truly awful.

The following criminals have been executed in this town for various offences, they do not comprehend all who have suffered death under the hand of the public executioner here, but are all concerning whom any particulars have been handed down to us on the page of history.

The place where the gallows used to be erected was out of the boundaries of the town, on its south side, on the London-road, at Wilford-lane end; here we know several state prisoners were hung by king John, 1201; but the first culprit put to death for offences against the public peace, was a notorious young woman, named *Joan Phillips*, frequently denominated the *female highwayman*; guilt has immortalized her memory, and her name will be handed down with infamy through every succeeding age.

Joan Phillips was an unworthy member of a good family, her father being a respectable farmer in the county of Northampton ; Joan was a young person of exquisite beauty and angelic form, she was vain of it to an extreme, and as false as fair ; none among the crowd of devoted admirers who offered to pay court to her charms, did she consider worthy, and therefore rejected and scorned them ; Joan was the idol of her father's affections, and of her mother's love ; ill did she requite their doting fondness. by bringing down their grey hairs with sorrow to the grave. Never having been accustomed to bow with submission to parental authority, the volatility of her mind assumed a habit of caprice, and the unchecked boldness of her spirit degenerated to a fiend-like savageness, so that she was equally hated and loved before she attained her 20th year.

The fame of the beauty of Joan Phillips had extended for many miles round the place of her dwelling ; one day, attended by what appeared a footman, or squire, in splendid livery, a fine gentlemanly looking young man, rode up to the house of her father, enquiring in a bold tone, if that was the house of farmer Phillips, and whether the good man was at home ; being answered in the affirmative by Joan herself, who seeing the approach of the gallant stranger, was the first to go out and give reply to the enquiries. Dismounting his horse, he entered the farmer's humble abode, with all the affectation of one possessed of rank and wealth ; Mr. Phillips treated the august visitor with every possible respect and hospitality, and in return, himself, wife, and daughter, received some valuable presents from his hands.

She who had haughtily rejected the honourable offers of *known* country gentlemen, who would have valued her more than their estates, any one of whom would have considered his happiness completed, on whom she would have bestowed her hand ; now became the dupe of a pretending stranger, an unhallowed intimacy soon sprung up between this assumed gallant knight and the beautiful farmer's daughter, which shortly ended in her being for ever undone.

Unhappily, to a mind naturally sanguine, was united in her person the perfection of beauty, which from her infancy had only been flattered and caressed ; as her charms approached maturity they attracted a host of enthusiastic admirers, so that without labour she had only to accept of exaltation, and then honored as a queen ; she became indomitably proud, put away honor and exaltation from her,—and dashed the full cup of blessing from her lips, by sacrificing her virtue to the blandishments of a stranger,—a stranger too, whose character when known, was of the worst

kind, the beauty and gracefulness of whose person, were the only recommendations he could boast; for by whatever feigned names or titles he at first beguiled her, when he had accomplished his diabolical purpose, threw off the mask of his disguise, and confessed himself to be no other than Edward Bracey, the highway robber!!!

The poor girl shrieked when her betrayer announced his real character, with whom she had fondly hoped to have been united in wedlock,—advanced to be a lady, and made happy for life; it would be impossible to describe the deep anguish that now, for the first time, agonized her bosom; and wrung her maiden spirit with the keenest torment of black despair; nature was taxed too heavily,—suspended her functions, and this smitten beauty swooning, fell a victim at the robber's feet. Recovered from the paroxysms of her mental agony, and too hastily concluding her degradation was irremediable, she clung to her base deceiver who had betrayed her confidence, and deserved to have been execrated and spurned. The second crime perpetrated by her, at her infernal paramour's suggestion, was that of robbing the house of her kind and indulgent parent, after which she eloped with her destroyer; being now completely encircled in the coils of this serpent, he twisted his helpless victim as he pleased, and from this time they carried on a system of indiscriminate depredation. In time they amassed sufficient money to set up in a public house, in the neighbourhood of the city of Bristol, which became the haunt of every abomination,—crowds of dissipated young men having been drawn there by the fame of the beauty of Bracey's *reputed* wife, both she and they were equally the victims of Bracey's cupidity, and the poor girl was wholly sacrificed by him, to any one from whom he could extract money; her charms he employed as a lure to the destruction of those who might be brought to gaze on this unhallowed beauty, while all the unholy gains were eagerly clutched by this detested monster.

May this simple narrative operate on the minds of young people, to guard them from the "paths of the destroyer."

"The pleasures that allure our sense,  
Are dangerous snares to souls;  
There's but a drop of flattering sweet,  
And dashed with bitter bowls."

One poor dupe, after feasting on anticipated enjoyments, was not only disappointed in his expectations, but turned out of door, in a dreadful wintry night, with no other covering than his shirt,

and had to walk a considerable distance, notwithstanding the inclemency of the weather, and up to his knees in mud, at almost every step, before he could find shelter. Another victim, named Rumbold, after having been decoyed into her coils, was induced by the blandishments of her pretended regard, to commit a highway robbery, in company with Bracey. When this was perpetrated, the infernal pair, under threats of impeachment, compelled him to make over to them the reversion of an estate, worth (in those days) about £100 per annum. To save himself from the consequences of the robbery, Rumbold complied, but before they suffered him to depart the house, they sold the reversion to another person, and then with the money, and what else they could carry, quitted that part of the country. After this, Joan dressed herself in man's attire, and accompanied Bracey in his excursions on the highway. Numerous were the robberies they committed, but the power of Him who "seeth not as man seeth," ordained their career of iniquity should be terminated, for on stopping a gentleman's carriage in Nottinghamshire, Joan was taken prisoner, tried, and executed for the crime on Nottingham gallows, in April 1685, in the 29th year of her age. Her body was given to her friends, and was handsomely interred in one of the church-yards in this town, but which of them we have not been able to learn.

" Deluded fool, with pride elate,  
Know, 'tis thy beauty brings thy fate;  
Less dazzling, long thou mightst have lain  
Unheeded on the velvet plain;  
Pride, soon or late, degraded mourns,  
And beauty wrecks whom she adorns."

Bracey was killed shortly afterwards by the persons who attempted to take him into custody. Thus perished two individuals who might, but for their vicious propensities, have graced the most polished circles, and have been ornaments to society.

In 1701, Tim Buckley, a man of desperate character, and inveterate habits was executed; he was born at Stamford, in Lincolnshire, where he served three years' apprenticeship to a shoe-maker, but running away from his master, he went to London, and soon became initiated in the art of picking pockets, and all sorts of street plundering. When arrived at manhood he associated with the most notorious and expert house-breakers of the day, and had been engaged in numerous burglaries and highway robberies, in which he rendered himself particularly conspicuous as a desperado. Tim, however, had a spice of chivalry in him, and directed his

principal attacks against pawn-brokers, publicans, bakers, and doctors, declaring that he felt himself entitled to some portion of the gains which they had obtained by cheating their customers. A constable, (who also carried on the business of a baker,) residing in the parish of Saint Giles in the Fields, took him into custody for some misdemeanor, and Tim was sent out to join the army in Flanders; this life not suiting his taste, he deserted, and returned to his old haunts. Shortly afterward he met the baker's wife, coming alone from Hampstead, whom he compelled to submit to his base embraces, and then robbed her of rings and money to a considerable amount,—this he did to be revenged of the husband. The course of this desperado would fill a volume, it is not our intention to follow him through his wicked career. He was condemned at the Old Bailey, but for some cause obtained a pardon. Several times he appeared at the bar of justice, and as often escaped; determined and resolute in his encounters, with a soul of undaunted courage, worthy of a better cause; his time at last arrived,—he stopped a coach on the Derby road, about two miles from Nottingham, in which there were three gentlemen, attended by two footmen; the gentlemen were determined not to submit to a single bravo, however daring, and one of them discharged a blunderbuss, which brought Tim's horse to the ground; a most desperate conflict now ensued, the resolute Tim boldly keeping up the unequal contest with his five opponents. He discharged eight pistols, by which one of the gentlemen and a footman were killed; but having received no less than eleven severe wounds, he became faint from the loss of blood, was seized, condemned, and underwent the sentence of the law in 1701, being then only 29 years of age. His body was afterwards hung in chains, near the spot where the atrocious deed was perpetrated.

1727. T. Pemberton, for house-breaking.

1728. John Briggs, for murdering his wife.

1729. John Revell, gent. for shooting his own postillion; he went to the gallows in his own carriage.

1732. Pyecroft, coiner, was executed; he was the last individual who ascended the gibbet by a ladder.

1735. Henry Parnall, for murdering his wife.

1737. James Gibbons, highwayman.

1738. Thomas Hallam, cow-stealer.

1748. Smith and Miller, robbers.

1752. James Wogden, better known by the name of "Innocent Jemmy," was executed for murder, and his body dissected, (he was the first culprit dissected in Nottingham.)

1753. Roberts and Sandham for cutting and maiming.

1757. Richard Sturges, for robbing dye-houses.

1758. Robert Wilson, for robbing a pedlar.

1759. Samuel Ward, for house-breaking.

1759, Dec. 11th. W. Andrew Horne, esq. of Butterly-hall, for murdering his illegitimate child, (35 years before) he was tried August 10th, and was driven by his coachman, in his own carriage to the place of execution.

1765, April 6th. Elizabeth Morton, only 16 years of age, for murder.

1766. Warner and Brumage, highwaymen. They went to St. Mary's church to hear their condemned sermon, from thence to their graves, and laid down in them to try if they were large enough, and from there they walked to the place of execution in their shrouds.

1767, Aug. 30th. R. Downe and T. Reynolds, the former for murder, and the latter for burglary. The body of Downe was hung in chains, near Mansfield.

1770, March 10th. W. Hebb, for murder.

1774, March 30th. R. Wheatley and Shaw; Wheatley for returning from transportation; and Shaw for burglary, on the premises of Mr. Topott, Long-row. These were the last who walked to the gallows.

1775. William Voce, for the murder of Mrs. Dufty, a wash woman, at Sneinton Wake, and brutally using her, March 20th.

1779, July 26th. John Spencer, for murdering the keeper of Scrooby Toll-bar, near which his body was hung in chains.

1781, March. G. Brown, and A. Bagshaw, for house-breaking.

1782, March 27th. Cooper Hall, who robbed the Newark post-boy. He went to the place of execution in a one horse chaise.

1784, March 17th. Robert Rushton, and Anne Castledine, he for the murder of a child about 5 years of age; she a child just born. Castledine was dissected at Derby, where a strange gentleman took up the heart, kissed it, shed tears upon it, squeezed a drop of blood out upon a handkerchief, and then rode away.

1784, March 31st. T. Henfrey and W. Rider, highway robbery, they rode in their shrouds to the place of execution.

1785, March 25th. Anderson, Cook, Pendrill and Townsend. Anderson suffered for horse stealing; the other three for highway robbery. They went in their shrouds to the gallows.

1785, July 27th. Thomas Cobb, for house-breaking.

1786, March 29th. W. Hands and J. Lister; Hands was executed for horse-stealing, Lister for sheep stealing; they went to death in their shrouds.

1790, March 24th. Martin and Farnsworth, for house-breaking,



1793, March 27th. William Healey suffered the extreme penalty of the law, and the circumstances which led this young man to his untimely end, are peculiarly distressing; he was an itinerant horse-dealer, and in his journeys was accustomed to call at a house in the North Clay, the landlord of which was a small farmer, as well as a publican; Healey represented himself as a person of some property, and gained the good graces of the landlord's daughter, but in order to obtain her father's consent, it was necessary to produce some of the cattle, of which he boasted as belonging to him; accordingly he went into Yorkshire, his native county, and returned with a number of horses, which he said were his own; these were deemed sufficient, and the landlord gave him his daughter; the horses were turned into his father-in-law's grounds, and every thing went on pretty comfortably for some time, but before the expiration of three months, the right owner laid claim to them, and the wife's father bore evidence against Healey on this sad occasion.

1795, March 25. David Proctor, executed for a rape.

1797, Aug. 16th. John Milner, for cow-stealing. The execution of this man was attended with a circumstance of the deepest horror; the culprit was a tall stout heavy man, and when he was turned off, and had hung a short time, the cord slipped from the beam, the careless hangman having neglected to secure it, and struggling in the agonies of death, the sufferer fell to the ground, but in a few minutes was sufficiently recovered to re-ascend the cart, for the purpose of having his execution completed, but so loud and bitter were the execrations of the spectators against the hangman, that he dared not attempt his work a second time, and a young man, a rope maker, performed the dreadful office, and amidst the prayers and tears of thousands, he was launched into eternity.

1799, July 15th. James Brodie was one of the most remarkable culprits ever executed in Nottingham; he was a blind beggar, and murdered his guide, a boy, 12 years of age, on the forest, and afterwards hid his body among the fern; when asked how he could see to do it, impiously replied, the devil gave him light. He was an hardened character, a most abandoned wretch, and died unpitied by any one, amidst the execrations of a crowd of spectators.

1800, April 16th. John Atkinson, for forgery.

1801, Aug. 5th. M. Denman, W. Sykes, and T. Bakewell, for burglary.

1802, March 16th. Mary Voce, for the murder of her infant.

1802, March 31st. Ferdinand Davis, highway robbery.

1803, March 23rd. John Thomson, for stealing a portmanteau, and attempt to murder.

1803, Aug. 10th. William Hill, for a rape. When at the place of execution he jumped out of the cart.

1805, April 10th. Richard Powell, alias Harvey, for house-breaking.

1806, March 26th. William Davis, for forgery.

1809, Aug. 2nd. Thomas Lampin, for forgery.

1812, July 29th. Benjamin Renshaw, for arson and sheep stealing.

1813, March 31. William Simpson, for house-breaking.

1815, March 25th. John Hemstock, for murder.

1816, April 3rd. John Simpson, for highway robbery.

1817, April 2nd. Daniel Diggle, attempt to murder, executed at the county hall steps.

1817, July 28th. Charles Rotherham, for murdering Elizabeth Sheppard, on Mansfield forest, (see p. 435).

1818, April 3rd. Needham and Manderville, for house-breaking.

1820, March 29th. Thomas Wilcox, for highway robbery.

1822, March 22nd. Bamford, Adie, and Sanderson, for murder. Bamford and Adie, for murdering John Timms, on the trent bridge. Sanderson for shooting a game-keeper.

1823, April 2nd. Thomas Roe and Benjamin Miller, for highway robbery, just below Gallows-hill.

1825. T. Dewey, for murder.

1826. S. Wood, for murdering his wife; J. Sheppard and G. Mills, for burglary.

1827. W. Wells, for highway robbery.

1831, Feb. 1st. G. Beck, John Armstrong and George Hearson, for burning the castle, to whom hereafter we shall refer more at large.

1833, March. W. Clayton, for murder.

1834, July. W. Hinckley, for murder.

1836. W. Smith, for a rape.

Officers of the county jail, with the salaries of each:

	£.	s.	d.	
Mr. R. B. Brierley, governor .....	180	0	0	per ann.
Mrs. Brierley, matron .....	30	0	0	do.
Rev. W. Butler, chaplain, 1838.....	100	0	0	do.
Mr. J. Attenborough, surgeon,.....	60	0	0	do.
Mr. W. Lounds, turnkey, 1827,.....	60	0	0	do.
Mr. J. Mayfield, under turnkey, 1831,	0	16	0	per wk.

Till within the last twenty years there used to be exhibited two instruments of cruel torture, which were kept in the lodge, one

was a *gag*, called the *muzzle*. It was made of hoop iron, having ribs extending from the crown, along the back and sides of the head to the neck, one rib down each side of the face, and another directly round the mouth and chin ; just opposite to the lips there was a piece of iron, 2 in. long. and 1½ in. broad, which extended into the mouth, and rested upon the tongue, so that the sufferer, to whom it was applied, could not speak, nor even swallow his spittle. It opened at the side, and fastened with a lock at the back of the neck. This was destroyed by the command of the humane and Right Honourable Judge Richardson, March 16th, 1821, Colonel Wildman high sheriff. The other was a wooden instrument, 18 in. long, in the shape of a pair of stocks, having two small holes in it, about 3 in. from the end, to receive the thumbs ; there was a screw in the centre, by which the upper and lower parts were screwed together, which administered any degree of pressure. The executioner of this species of torment had command to inflict upon the unhappy sufferers, to whom it was applied, called a *thumb screw*.

There is no record or tradition when this instrument of torture was last employed. James Brodie, before-mentioned, is said to have been the last individual who was afflicted with the iron muzzle. He was a native of Dublin, lost his sight when he was 3 years old, and at 8 was brought over into this country, where for some years he earned a subsistence by turning a wheel, but not liking his occupation, quitted it, and became an itinerant beggar. The boy whom he murdered was the son of a poor widow in Leeds, of whom he had hired him for a shilling per week, but had only paid him for two weeks. Mr. Robert Wright, of Glasshouse-lane, our informant, well remembers the poor lad being in Nottingham, with his brutal master, and was particularly remarked for the sweetness of his voice, as he sung through the streets in the town, and Brodie's savage treatment frequently brought down upon him the execrations of the public. It appeared in evidence brought against him on his trial, a gentleman on horseback overtook Brodie between Farnsfield and Mansfield, who recollected seeing him with a boy in Nottingham, enquired what had become of his lad, and from the evasive answers returned, became suspicious that all was not right, therefore insisted upon knowing the truth, when he said the boy had left him. This not proving satisfactory, and being told that he was suspected of having perpetrated murder, admitted that he knew where the body of the boy was, and had covered it over to keep him warm ; he said he had desired the boy to mount a tree close by, and look if he could see Mansfield from that place, and tell how far he thought it was,

that the boy fell down from the tree, and in that manner came by his death ; there was no tree near. When brought to his trial he vehemently inveighed against the judge, Mr. Justice Heath, for not giving him a chance for his life. He then said the boy and himself fell over a stone ; that he fell asleep after, how long he did not know, and when he felt for the boy he was cold. After his condemnation he was very furious, biting at every one near him ; when going down he bit the thigh of a javelin-man, who was conducting him to his cell, and was with difficulty made to relinquish his hold. There was a dreadful peal of thunder at the time the judge was passing sentence of death upon him ; a similar peal and a heavy shower of rain came just as he was brought out to mount the cart, which was to take him to the place of execution. When arrived at Gallows-hill, and the moment came when he was to have been turned off, he begged for three minutes longer, that was granted, and then for two more, that was granted also, and then for one minute longer ; after this had been granted, he begged for three more minutes, saying he had something to tell, but the sheriff, Samuel Bristow, esq., of Beesthorpe, ordered the executioner to do his duty ; on his way the culprit had managed to shift the cords higher up his arm than is usual, and as soon as he was turned off, he raised up his left hand, and caught hold of the rope above his ear, but his hand was forced down by the executioner, and he was launched into eternity, aged 23 years.

As the present sheet was going through the press, John Driver, aged 26, took his trial for the murder of Anne Hancock, a widow, who kept a small shop for groceries, &c., at Cauntton, in this county, March 15th, 1839. We were present at this culprit's trial, which took place at the Summer Assizes, July 19th, before Lord Abinger. He appeared quite insensible to his fate ; the day of his execution is not fixed. An oak sapling, with a bone nob at the top, and used by him as a walking stick, was the instrument with which he perpetrated the murder, by beating his victim on the head, and is now with the other instruments before described, to be seen in the turnkey's lodge.

**NOTTINGHAM BOROUGH HOUSE OF CORRECTION.** This house of correction, or St. John's prison, so termed from occupying the site of a religious house, is conveniently situated for its purpose in the town of Nottingham. Shortly after the passing of the "Gaol Act" in 1826, this prison was enlarged, or rather re-constructed, upon the principle of classification then introduced ; the design contemplated was that of an unequal square, with the keeper's dwelling in the centre ; two sides, however, have only been completed, each three stories high, with day-rooms on the ground

floor and sleeping-rooms in the upper. (a) A portion of the old irregular and inconvenient building was allowed to remain, and was converted into apartments for the keeper, and wards for the female prisoners. The prison stands in an extensive area, enclosed (except at the south-west angle where the new drop and tread wheels are,) with a boundary wall, surmounted with courses of loose bricks; where the enclosure is imperfect the windows in the galleries and staircases look into the street. The entrance fronts St. John's-street, by which it is bounded on the south, Convent street on the east, Kent-street on the north, and Old Glasshouse street on the west; the entire circumference of the prison, including the boundary walls, which are 45 feet high, enclose an area of 10,000 square yards. The lodge is connected with other buildings, and comprises apartments for a turnkey, drop-room, reception cells, and tread wheel sheds; the accommodation for the keeper adjoining, consists of a room for the magistrates, parlour, office, kitchen, cellarage, and three chambers. The chapel is in the centre of the principal or west wing, and is divided for male and female prisoners; the airing yards are paved and separated from each other by walls, having iron palisades in front, 11 ft. high, radiating to the centre of the enclosure, where, according to a ground plan shown to us by the keeper, the governor's house was intended to have been built, having windows commanding an inspection of every yard and day-room in the prison. Many of the sleeping cells have fire-places in them, they are all arched, with the exception of those occupied by females, which are ceiled with lath and plaster. The keeper, from the inconvenient position of his house, has no inspection over the part occupied by the male

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(a) "The house of correction had been a very heavy burden, it was a very small building, patched up from time to time, and at last it became necessary to pull it down. At the time the Act was passed, requiring the classification of prisoners, it was found to be totally impossible to comply with its provisions; a sum of money was borrowed about 1827-8, for the purpose of building a new prison, conformable to the Act; the loan raised was £3,350., they had gone no further than building the outside walls, and laying the foundations; the plan was that of Mr Orange, of Bury, who had acquired great celebrity in the construction of prisons, and his estimate was from £20,000 to £30,000; the pressure of the times had caused the corporation to relax, and they had not gone forward with it; at the time they had thought that the classification prescribed was imperative on them, but it had since been relaxed throughout the country. It was now used as an infantry barracks, but the corporation received no rent for it. The house of correction had been greatly enlarged, and there were now better facilities for classifying prisoners, but not to the full extent required; no debt had been incurred by such enlargement. The ground belonged to the corporation, and there was a ground rent of £88. for the site of the new jail, and £65. for the house of correction. The building of the walls was done by contract, and the bricks and lime were furnished in the same manner."—See Report Municipal Corporation Commission, p. 10.

prisoners, and that allotted for the confinement of females is too small, it is likewise deficient in ventilation, and contains but one airing yard for all classes. The windows of the sleeping cells of the male prisoners look directly into the women's wards, and require blinds. The tread wheels, placed in the north-west corner of the prison, are inconvenient for access and inspection. (a)

The appearance of this prison, as seen from the north-end of Broad-street, is remarkably unpretending, there is neither column, pilaster, or cornice of any kind to be seen, and presents a modesty and suitability of exterior well comporting with its interior arrangement and design; reflecting a high honour on the head and heart of the magistrates under whose superintendency it was erected; for while by the amplitude of its space, &c, every convenience is, or may be secured, a becoming economy in the expenditure of public money has been strictly observed, and by an absence of every architectural embellishment, by which some modern prisons are adorned, proves they neither wished to invite inmates, or honour crime.

At the top of St. John-street, in the south-west angle of the prison, a strong wooden door is seen, knotted over with the heads of brag nails, in the front of this the new drop is erected at the time a town criminal is executed, who, from a room behind, passes through this door to meet, under the unhallowed gaze of crowds of spectators, an untimely and ignominious death.

A little lower down the street, level with the pavement, is a small door, very strong and well secured, through which is the entrance to the prison. This door passed, is the court 22 ft. square, to the right are five *reception* cells, the lodge on the left, the keeper's house, &c. in front; here you can scarcely move a foot for locked doors, strong iron grates, iron rails surmounted by spikes, spiked rollers or *shivery frieze*; pale haggard bondage surrounded by her bolts and bars, her chains and dungeons, seems to revel here in an undeligated authority; to any stranger visiting this strongly fortified prison, the scene is altogether deeply impressive and awful.

The reception cells are five, No. 1, 8 ft. 6 in. by 8 ft. No. 2, 8 ft. by 7 ft. 2 in. No. 3, 10 ft. by 9 ft. 3 in. No. 4, 10 ft. 6 in. by 6 ft. No. 5, 9 ft. by 5 ft. 6 in.

Adjoining these is a female prison (and armoury,) which is not extensive, but more than sufficient for the number of prisoners at any time confined in it. They have one day-room, 13 ft. 6 in.

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(a) See Report Inspectors of Prisons, March 1, 1838, p. 33.

by 13 ft. 6 in. ; also a work-room, 12 ft. 3 in. by 12 ft. 3 in., and an airing yard, 23 ft. by 21 ft. 6 in. There is also a laundry for the washing of prison linen. Sleeping cell, No. 1, is 12 ft. 3 in. by 5 ft. 6 in. No. 2, 12 ft. 9 in. by 5 ft. 6 in. No. 3, 12 ft. 9 in. by 6 ft. 3 in. No. 4, 12 ft. 9 in. by 6 ft. 3 in. No. 5, 10 ft. by 5 ft. 6 in. No. 6, 10 ft. by 5 ft. 6 in. No. 7, 10 ft. by 5 ft. 6 in. No. 8, 10 ft. by 5 ft. 6 in. No. 9, 8 ft. 3 in. by 5 ft. 6 in. No. 10, 6 ft. 6 in. by 6 ft. No. 11, 7 ft. by 6 ft. No. 12, 7 ft. by 6 ft. No. 13, 7 ft. by 6 ft. There are seldom more than four of the above rooms occupied at the same time.

Left of the entrance is No. 1, day-room, 15 ft. by 13 ft. height 9 ft. ; three windows, 3 ft. 6 in. by 2 ft. 10 in. door, 6 ft. by 2 ft. airing yard, 23 ft. by 19 ft.

No. 2, wheel yard, 21 ft. by 14 ft. Tread wheel, No. 1, 13 ft. 3 in. long, will admit of seven men at a time, the height of each step 7 in., number of steps round its circumference 27. No. 2 is exactly the same in every respect but its length, which is 14 ft. 3 in.

No. 3 wheel is 9 ft. 6 in., admits five men, but the height of the steps and the circumference are the same as the other wheels. No. 4 is the longest, being 15 ft. 6 in. admits of eight men at the same time, in every other respect it is like the other three. The use to which the power from the wheel is applied is pumping water for the use of the prison, out of a well, which is 24 yards deep, and has a large reservoir at the bottom, calculated to hold 32,000 gals. The water is elevated by means of pumps, to a leaden reservoir at the top of the prison, capable of containing 65,000 gals. Twenty-eight men may work on the wheels at the same time, but seldom more than half that number are confined there at once, sentenced to hard labour. The pumps may be worked with eighteen men on the wheels, and make a stroke at every step the men take on the wheel. The fly wheel makes one revolution every third ; there is a regulating fly on the top of a shaft above the prison, 39 ft. 9 in. from the point of suspension to the centre of the ball, which makes 39 revolutions per minute, and has wind boards which may be opened or closed at the will of the governor. "The number of working hours average  $7\frac{1}{2}$  per day the year round, 27 prisoners may be placed on the wheels at one time, each step 7 in. the ordinary velocity of the fly wheel is 48 revolutions per minute ; but not having a proper self-regulator to the fly, it is found impossible to keep up a regular speed. The ordinary numbers mounting the wheels are two-thirds ; the number of feet in ascent per day, in  $7\frac{1}{2}$  hours, is 12,600 revolutions of the mill 800 ; daily amount of labour performed by every

prisoner, 8,400 steps ; a bell rings every two revolutions of the wheel." *Inspectors Report*, p. 35.

From hence it will be seen that 8,400 steps per day of  $7\frac{1}{2}$  hours, rising 7 inches each step, give 58,800 inches, 4,900 feet, 1,633 yards, or about a mile a day.

" Incompetent my song to raise to its just height thy praise  
Great Mill ! That by thy motion proper,  
(No thanks to wind or sail, or working rill)  
Grinding that stubborn corn, the human will,  
Turn'st out men's consciences,  
That were begrimed before, as clean and sweet  
As flour from purest wheat, into thy hopper.  
All reformation, short of thee, but nonsense is,  
Or human, or divine. Compared with thee  
What are the labours of that jumping sect,  
Which feeble laws connive at, rather than respect.  
Thou dost not bump, or jump,  
But walk men into virtue : betwixt crime  
And slow repentance, giving breathing time,  
And leisure to be good.  
Instructing with discretion demi-reps  
How to direct their steps,  
Thou to thy pupils dost such lessons give, of how to live,  
With temperance, sobriety, morality, (a new art)  
That from thy school, by force of virtuous deeds,  
Each Tyro now proceeds a ' walking Stewart.'"

No. 3, cook-house, 24 ft. by 14 ft. Here is a large copper for the purpose of boiling the soup and gruel ; beside which there is a steamer, for the purpose of cooking potatoes ; here is also a bath, having two taps into it, one for hot, another for cold water, calculated to hold 240 gals., which may be made either hot or cold, as the case may require. This bath is erected to cleanse the persons of the prisoners, and for their use in case of illness, where bathing may be required. The yard in front is 18 ft. 6 in. by 13 ft. 6 in.

No. 4, day-room, 27 ft. by 14 ft. 10 in. ; airing yard, 30 ft. by 26 ft. No. 5, day-room, 9 ft. 9 in. by 9 ft. 6 in. ; yard, 24 ft. by 13 ft. 6 in. No. 6, day-room, 17 ft. 6 in. by 9 ft. 6 in. ; yard, 29 ft. by 19 ft. 3 in. No. 7, day-room, 24 ft. 2 in. by 9 ft. 6 in. yard, 36 ft. by 17 ft. 6 in. No. 8, day-room, 14 ft. 6 in. by 9 ft. 6 in. ; yard, 47 ft. by 19 ft. 10 in. No. 9, day-room, 12 ft. 9 in. by 9 ft. 6 in. ; yard, 56 ft. by 14 ft. 7 in. No. 10, day-room, 19 ft. 8 in. by 10 ft. 6 in. yard, 61 ft. by 12 ft. 10 in. No. 11, day-room, 22 ft. 10 in. by 10 ft. 9 in. ; yard, 44 ft. 6 in. by 22 ft. 10 in.



No. 12, day-room, 14 ft. 2 in. by 10 ft. 6 in., yard, 31 ft. by 22 ft. 2 in. No. 13, day-room, 20 ft. 4 in. by 10 ft. 6 in., yard, 22 ft. 6 in. by 18 ft. 3 in. No. 14, day-room, 12 ft. 4 in. by 10 ft. 6 in. yard, 25 ft. 6 in. by 20 ft.

These 14 day-rooms occupy the whole of the basement story in the north and west wings.

A corridor extends the entire length of the two wings of the prison, west and north, 130 ft. at the back of the day-rooms, which are large and lightsome, *having, some* one and others two windows 3 ft. 6 in. by 2 ft. 10 in. looking into a radiating yard, and from thence into a still larger unappropriated area, in which there is seen at present a *flower garden*, and well does he deserve the praise of his fellow men who planted so lovely an object here, which has charms every one must admire, and admiring, be at least in 'some degree improved in moral feeling, for a love of the beautiful is indissolubly connected with the good.

There is a thoroughfare passage in every day-room from the large yard or flower garden and airing-yard to the corridor, by means of gates and doors, and every room is supplied with a water closet, wash bowl, and tap of pure water, a clean coarse towel on a roller, marked with the number of the room to which it belongs; a white deal table, benches to sit upon, and utensils for taking food.

Strong iron gates are fixed across the corridor about every 20 paces, to prevent the prisoners, by any accident, getting near each other; out of each of these compartments there is a flight of stone steps, leading to the second story, the whole of which is devoted to sleeping apartments for prisoners. The sleeping apartment of the governor is over the magistrates' room, which is an octagon building two stories high, detached from the west side of the prison.

Connected by a gallery from the keeper's room, is No. 1, 2, 3, and 4, sleeping cells, each 9 ft. 6 in. by 6 ft. 4 in. these have no draught through them, having only a grated window into the gallery; these the keeper informed us were not used in summer, but in winter were eagerly sought after by the prisoners, because they were warmer than the others. No. 5 to 13, sleeping cells, are well lighted and ventilated, having a draught through, and are of the same size, 9 ft. 6 in. by 6 ft. 4 in. No. 14, 14 ft. 6 in. by 9 ft. 6 in. No. 15, 18 ft. 9 in. by 9 ft. 6 in. No. 16, 11 ft. by 9 ft. 6 in. No. 17, 13 ft. 6 in. by 9 ft. 6 in. No. 18, 15 ft. 8 in. by 9 ft. 6 in. No. 19, 23 ft. by 10 ft. 6 in. No. 20, 23 ft. 10 in. by 10 ft. 6 in. No. 21, 14 ft. 2 in. by 9 ft. 10 in. No. 22, 9 ft. 6 in. by 6 ft. 6 in. No. 23, 12 ft. 4 in. by 10 ft. 6 in. No. 24, 9 ft. 6 in. by

6 ft. 6 in. No. 25, 12 ft. 4 in. by 10 ft. 6 in. The gallery is 4 ft. wide and 30 ft. long.

Third story, No. 1 and 2, 12 ft. by 8 ft., No. 3 to 14 are each 8 ft. 9 in. by 6 ft. No. 15 to 19 are 9 ft. 6 in. by 8 ft. No. 20 and 21, each 13 ft. 6 in. by 8 ft. No. 22, 9 ft. 8 in. by 8 ft. No. 23, 12 ft. by 8 ft.

Then comes the chapel, which is fitted up with a reading desk, pulpit, &c., well lighted, and very commodious, 46 ft. 4 in. by 16 ft. 6 in. No. 24, 9 ft. 6 in. by 6 ft. 6 in. No. 25, 12 ft. 4 in. by 10 ft. 6 in. No. 26, 9 ft. 6 in. by 6 ft. 6 in. No. 27, 12 ft. 4 in. by 10 ft. 6 in. Gallery, 245 ft. by 4 ft. The whole of these rooms are well lighted, clean, and have a constant circulation of fresh air, except at night, when the inmates may close the casement; every cell is arched, and from 9 ft. to 11 ft. high.

A part of the large area enclosed by the external walls, is divided by an inner wall, extending from the east end of the females side, on the right of the entrance, to the east of the male's apartments on the opposite or north side. This western area includes the flower garden, airing yards, and the entire prison, so far as it has yet been erected, and extending over a space not far short of an acre of ground. On the contrary, or east of this partition wall, is that into which the large wooden gates open, which are seen a little below the entrance to the prison in St. John's-street. In this area are several low, hut-like buildings, erected as temporary barracks for the military, in 1831. The remainder is converted into an extensive and beautiful garden for the governor; such is the history and discription of this prison. Let us now turn to the unfortunate inmates, who unhappily may find their way there; and here we need do little more than give that for which we have been indebted to a very high authority, the Inspectors' report.

"DIET. Breakfast, 1 pint of milk porridge, made with a pint of milk and  $2\frac{1}{2}$  ounces of oatmeal.

"DINNER. 1 pint of soup, and 1 lb. of beef without bone, and half a peck of potatoes is allowed weekly to each prisoner, and is made into soup. Supper,  $1\frac{1}{2}$  pints of gruel; males  $1\frac{1}{2}$  lbs. of bread, females 1 lb. of bread daily; the two cooks have an extra allowance of 6 ounces of meat weekly.

"CLOTHING. Felons suit of party coloured frieze, red and brown, hose, and linen, and shoes. Misdemeanants suit, brown frieze; women, striped cotton bed-gowns, linsey woollen petticoats, linen, and shoes.

"BEDDING. Iron bedsteads, straw mattresses, two rugs, sheets for females.

“**CLEANLINESS.** The prison and prisoners are remarkably clean, the walls are white-washed every year.

“**HEALTH.** Surgeon attends twice a week, and oftener if required ; he is present at corporeal punishments, and inspects the prisoners previously to their being classed ; the ordinary diseases are the itch, venereal, and rheumatism. He states he always visits prisoners when under solitary confinement.

“Several soldiers have undergone their sentences of solitary confinement here ; two of them experienced ill effects from close confinement, which disappeared upon their being permitted, at the recommendation of the surgeon, to walk in the open air for an hour or more after the other prisoners were locked up. In the case of two boys sentenced to solitary confinement for a month, upon one it had not the slightest effect, upon the other it had effect upon his spirits, none on his appetite ; J. J. a boy aged 16 had fits came upon him by it, but has not had any since, he was sentenced at the sessions, Jan. 2nd, 1835, to six months imprisonment, two of which were to be solitary ; Feb. 12th, the first day of the solitary part of the sentence being put into effect, he was found lying on the floor of his bed cell insensible, by Wm. Hallam, turnkey, who immediately reported the same to the governor ; Mr. Davison, the surgeon, was sent for, who found him in the state described ; he was ordered directly into the sick ward, and was for some time before he recovered his senses. Feb. 16th, two visiting justices ordered that he should not be put in the solitary confinement again. The surgeon further states, that he frequently examines the provisions, that the diet is, generally speaking, equal to that of any agricultural labourer in the country, but that he would not advise its being reduced. There is no regular infirmary, and great inconvenience resulted therefrom at the time of the cholera.

“**MORAL AND RELIGIOUS INSTRUCTION.** The chaplain performs a full service every sabbath, and reads prayers every morning ; no attempt is made to instruct either boys or adults in writing, reading, or in examining whether they understand what they hear read by the chaplain. The chaplain says, the females are under the superintendence of the matron, who instructs them daily. I do not consider that I have any thing to do with the females except in chapel ; previous to the reduction of my salary, I considered it my duty to conform to the gaol act, as nearly as possible, but since I have not done so. The keeper does not attend the chapel, the turnkey always does, the matron generally ; occasionally the females have come to chapel without the female officer ; the turnkey's wife has brought them here and left them ; I have never communicated to the magistrates the none attendance of the officers.

**"LABOUR.** Tread wheel and employment, the keeper's garden, carpentering, white-washing, &c., males; females at washing and mending the prisoners and officer's linen.

**"OFFENCES AND PUNISHMENTS.** The usual prison offences are mis-behaviour on the wheel, violent and disorderly conduct, punished by stoppage of food, and confinement in a dark cell; corporeal punishment is inflicted by a man hired for the purpose, the surgeon is always present, it is merely nominal as to severity, and has been inflicted upon adults as well as boys without any effect.

**"SCOURGE.** Whip handle 18 in. long, nine lashes of common whip-cord, each 18 in. long, with four single knots.

**"VISITS AND LETTERS.** Visits are permitted by order of a magistrate, not to exceed 10 minutes in duration. Letters are written by the prisoners on a slate, and copied and sent by the keeper.

**"ACCOUNTS, AND EXPENDITURE BOOKS.** Provisions and other articles for the supply of the prison, are contracted for quarterly. The keeper supplies the vegetables for the prisoner's soup, for which he is allowed 6d. per week. The bills are sent to the prison to be examined by the visiting justices, then laid before the town council for approval.

**"SALARIES OF OFFICERS:—**

Governor, 1833,....	150	0	0
Chaplain, 1819, ....	60	0	0
Matron, 1839, ....	25	0	0
Surgeon, 1820, ....	42	0	0
Turnkey, 1817 ....	57	4	0
Turnkey, ....	58	11	0
Sub-Matron ....	12	0	0

**"GENERAL DISCIPLINE.** The discipline of this prison is of a very inferior order. The prisoners still occupy the day-rooms, which are so situated as to defy inspection. The tread-wheels are so placed, as to render detection of mis-behaviour on them very difficult, which might be greatly remedied by fitting them up with partitions. (a) The prisoners were sleeping two in a cell. (b) The duties of a chaplain are very imperfectly executed. No attempt is made to instruct the prisoners, with the single exception of the hour passed in the chapel. The sabbath is spent in talking, lounging, idling, and playing in the day-rooms, the utensils in them are scored for draughts and other games. On attending divine service, I found the prisoners without a single prayer-book, although generally able to read; the keeper does not attend divine service;

(a) This to some extent has been attended to.

(b) They now sleep alone.

he states, in explanation, there being only a female at the gate, and prisoners being often brought in at the time, he does not consider it safe to leave the door. During the night, and at such periods, the female prisoners are left without a female officer, (a) and the keeper states he has very often been obliged to punish them for misconduct. Prisoners are constantly at work in the keeper's garden, without any superintendence. The turnkey states that tobacco, meat, cheese, notes, and other articles, come occasionally over the walls; this generally happens after some have gone out, who go to the friends of others, and direct them where to throw them over." Inspectors Report, p. 33-6.

**LOCK-UPS.** Adjoining the house of correction, but unconnected with it, are the town lock-ups, consisting of apartments for the keeper, and two rooms for prisoners on the ground floor, and two on the first gallery of the following dimensions: No. 1, 9 ft. 1 in. by 12 ft. 2 in. No. 2, 9 ft. by 7 ft.

The cells on the upper floor are of the same breadth, width, and height, 9 ft. 5 in., as those below. The keeper resides on the premises, and is paid 18s. per week. The lock-ups were clean and in good order; a proper register of every prisoner is kept here, of name, age, &c.

The average number of prisoners in the house of correction, according to the last published accounts, Sept. 1. 1838, was 48; and the expense, including £336. 4s. 0d. for officers' salaries, amounts to £1111. 11s. 2d. Town gaol, including £352. 0s. 6d. for salaries, £1064, 14s. 3d. law expenses, and the administration of justice, £1952. 19s. 8d., making altogether £4129. 5s. 1d.

This large sum is annually expended in this borough alone for the *punishment of crime*, exclusive of £732. 4s. 5d. for the police, and £2110. 5s. 1d. for the night watch, expended in the *prevention* of crime, detection, and apprehension of felons, &c. The number of thieves annually apprehended in this town is, perhaps, four times the number of the averages just mentioned, which would be 172 in the year, and if we estimate there are only four thieves at large for every one in prison, then we have 688 thieves in the town, and if we presume the average depredation of each to be 2s. 6d. weekly, that is £86. per week, or £4462. for the year; let this be added to £4129. 5s. 1d., and we have the very large sum of £8591. 5s. 1d. as the annual expense of crime in this town alone. Now whatever other means are instituted to lighten this burden on the public, *gaol discipline*, as at present constituted, can have but a

(a) This inconvenience no longer exists.

small influence. Here the sabbath is systematically profaned ! the tread wheel, silence, withholding food, solitary confinement, black hole, and flogging may all be necessary as *temporary* punishments, but are instruments of *coercion*, which sour the mind, exasperate the feelings, check resentment till it rises to madness, and only assumes composure, when it has resolved on, and matured a principle of *revenge*. We have seen that the moral culture of the prisoners is a *blank*, and the spiritual instruction prescribed by the state is not more inappropriated than unindustriously communicated. Turnkeys and keepers in many prisons put on a sourness toward the prisoners, till, in their manners they become habitually repulsive and morose ; but, does this haughty carriage, or is it likely, to produce any beneficial effect on the objects of this scorning ? Let the officer stretch his brief authority to its utmost, and continue to confine a prisoner in a dark and solitary cell after he has made every possible submission, and for a very questionable offence (this has been done, and we know it,) we will not so insult the understanding of our readers, as to ask, whether such dragooning,—badgering, and petty tyranny as this, is calculated to humanize the brutal, sooth a rugged temper into a calm tranquillity, or issue in any good ? it provokes,—it lashes the passions into rage,—practices a habit of wrath, and nourishes the worst principles of human nature. *Inspection*, so much sought after, is as bad in principle as it is in operation, for that man who knows he is never trusted, has no motive supplied to him to strive to *deserve* to be trusted. There are prisons (one we could mention if delicacy did not forbid), where we have seen a spirit of mildness and good nature in lovely operation ; the governor meekly instructs, and it is with tenderness that he reproves, while the matron's soul flows out to the objects of her care ; counsels and prays for them with all the solicitude of a *christian mother*.

Thus much we may say in concluding these hasty remarks, that until the degrading practice of the tread wheel, &c. is superseded by rational and beneficial occupations at the spade, the hammer, the loom, &c. ; until governors are chosen from the kindest of men, and act in a spirit of benevolence ; and by instructing, reproving, warning, &c., with meekness, seek to cultivate and foster the mildest, kindest, and best principles of human nature ; until the sabbath is religiously observed in prisons, and the chaplain adequately remunerated, so that he may devote the whole of his time and services to these objects of his charge (there is enough for him to do, and let him do it), not only on sabbath days, but on every day of the week, prison discipline will be abortive of good ; prisoners will be hardened by their confinement,

made more vicious than before, and prisons will continue to create those ills they are intended to cure. Coercion may destroy, but has never made one single convert to the ways of virtue yet, and the utter hopelessness that it ever will do, is clearly taught us by the wisest of men, "Though thou bray a fool in a mortar among wheat with a pestle, yet will his foolishness not depart from him." Prov. xxvii. v. 22.

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## CHAPTER V.

1461, March 4th. Edward IV. the first of the house of York, was not 21 years of age at the time he ascended the throne. Instead of staying in London to enjoy the pageant and festivity of a coronation, Edward was obliged instantly to take the field, and face all the horrors of a war which became more and more merciless. After their retreat at St. Albans, the Lancastrians gathered in greater force than ever, behind the Humber and Trent, the town and castle of Nottingham being yet in their hands.

From hence the forces marched to York, in the neighbourhood of which they took up their ground, under the command of the Duke of Somerset, who acted in concert with queen Margaret, and there waited the attack of Edward, whose van was led on by the Earl of Warwick; by the time he had reached Pontefract, the Yorkist's army amounted to 49,000 devoted men.

The battle was fought at Towton, March 28th, and was one of the most sanguinary ever fought in England; the Lancastrians were beaten, leaving 28,000 men slain,—a far greater number than had fallen on the side of the English during the whole of the French war.

" I see, I see, the coming gale  
The bright red rose turns deadly pale,  
The blast is up—the cry is given,—  
The young bud from the stem is riven ;  
The old and grey  
Are chased away,  
And woe comes with the roundelay."

Edward IV. entered the city of York in triumph, and all opposition to him had disappeared by the 4th of Nov., at which time Edward summoned a parliament at Westminster; Robert Stable

and John Serjeant for the town, Robert Strelley Miles, and John Stanhope, knights, for the shire; an act was passed declaring Edward's just title to the throne, and also that the three kings of the house of Lancaster had been tyrants and usurpers, &c.

The other acts of this parliament were in keeping with this; bills of attainder were passed against the expelled king, his queen, prince Edward, the Dukes of Somerset and Exeter, Earls of Northumberland, Devonshire, Wiltshire, and Pembroke, Lords Beaumont, de Roose, Nevill Rougemont, Dacre and Hungerford, 150 knights, esquires and priests.

1464, Witnessed another discomfiture of the Lancastrians at the battle of Hedgley-moor, near Wooler, 25th April. Percy, Earl of Northumberland, fell among the slain; Duke of Somerset, the Lords de Roos, and Hungerford were taken and beheaded at Hexham. King Henry lurked for some time among the moors of Lancashire and Westmoreland, where not a man was found capable of betraying, or refusing him assistance. About a year after the battle of Hexham, he was surprised at Waddington-hall, as he was sitting at dinner, and sent under a strong guard to London, and by the Earl of Warwick was imprisoned in the tower, July 1465.

Edward IV. was severe, tyrannical, and unpopular; in July, 1469, an insurrection broke out in Yorkshire, and threatened to be of an alarming character, which the Duke of Northumberland, who was on the spot, did little to suppress. King Edward advanced as far as Newark, but his army was weak and unsteady, and he fled, rather than retreated, to Nottingham, and shut himself up in the castle, where he remained for some time. From the castle he wrote letters with his own hand to Calais, beseeching his brothers Clarence, Warwick, and the archbishop, to come immediately to his assistance. They came not, and in the mean time the royal army under the Earl of Pembroke, was defeated at Edgecote, July 26th, Pembroke fell in battle, and 5000 men with him. The Earl Rivers, father, and Sir John Woodvill, brother of the queen, were captured by the insurgents in the forest of Dean, both of them were beheaded at Northampton. Warwick and Clarence soon after arrived from the continent, and being joined by the archbishop of Canterbury, repaired to Edward, who was now in a very distressed condition, and under pretence of *rescuing*, carried him a prisoner to Middleham castle. Thus England had two kings, and both were prisoners.

Warwick soon liberated Edward, who was called upon to quell another popular insurrection, which broke out in Lincolnshire, Feb. 1473.



In June, Warwick, to whom Edward owed his throne, went over to the Lancastrians, and so did the king's brother, Clarence. Setting sail from Calais, where he had gone a short time before, Warwick landed on the Devonshire coast, and the whole country flocked to his standard, the "*red rose*," of Lancaster, and having no forces on which he could rely, Edward again sought refuge in Nottingham castle, and Warwick marched his forces directly towards the Trent. Edward summoned the inhabitants to his help, but they would not come, but men everywhere tossed their hats in the air, crying, "God bless king Harry."

Edward marched from Nottingham into Lincolnshire, near the river Welland, and posted a battallion of his guards at a neighbouring bridge, to prevent the passage of Warwick, at the head of the Lancastrian army, who was within half a day's march of the king. It happened that his quarters were at no great distance from the sea, and a small ship, that followed with provisions for his army, lay at anchor, with two Dutch vessels hard by in the Wash, seeing himself hated and forsaken, had just time to get on board, and with about 300 men, set sail for Holland.

"Ah! shout away my merry men,  
The wolf is fettered in his den,  
But soon again on Britain's land  
The bloody foot, and the bloody hand,  
Shall light the torch, and slake the brand."

No blood was shed in this hasty resolution, king Henry was again liberated from the tower, a parliament was summoned, which repealed all that the previous parliament under Edward had enacted. But if Edward had lost a crown like a game at cards, he regained it with an equal rapidity. On the 12th March, five months after his flight from the Wash, he appeared with a fleet off the coast of Suffolk, but was deterred from landing by a Lancastrian army, then bearing to the north, he sailed into the Humber, and landed with his troops at Ravenspur, March 16th, the place where Henry of Bolinbroke, had disembarked when he came to dethrone Richard II. The army Edward brought with him amounted to 1200 men, and having obtained from Richard, afterwards Duke of York, and Lord Rivers, about 500 more, marched directly to Nottingham, where he greatly augmented his forces, after his arrival in the castle, which he considerably enlarged, for the purpose of accommodating his increasing army. After he came to Nottingham, Sir William Parr and Sir James Harrington, with 600 men, well armed and appointed, joined Edward, and shortly

afterward Sir Thomas Burgh and Sir Thomas Montgomery, with another considerable body of men also joined him. Feeling so far strengthened, caused himself to be proclaimed in *Nottingham*, by the title of king Edward IV. At this time a considerable Lancastrian force lay at Newark, amongst whom were the Duke of Exeter, the Earl of Oxford, and Lord Bardolph. Edward marched against them with his Nottingham army; the Lancastrians did not choose to fight, but evacuated that place in the night, on hearing of which Edward returned with his troops to Nottingham. Collecting all the strength he could, Edward marched out of this town at the head of his elated soldiers to meet the grand army of the Lancastrians under the Earl of Warwick, who had departed London for the county of Warwick, &c., to levy forces for king Henry VI., which he did, and came to Leicester with 3000 men, stout, well armed, and zealously devoted to the interests of their sovereign Henry, for whom they were prepared to conquer or die.

The two armies came in sight of each other in the neighbourhood of Coventry; Clarence, Edward's brother, and son-in-law to Warwick, at this critical moment *deserted* to the Yorkists with all the men under his command, which so much thinned the Lancastrian army, that Warwick declined to give battle, and again the cause of the "*red rose*" was virtually lost; for though Warwick gave Edward battle shortly after, he had regained London, and the "*white rose*" was ascendant. The Earl of Warwick died in the battle of Barnet, where a chapel was erected afterward by Henry VII. for the good of the souls of them that were slain. The hospitality of Warwick was as boundless as his wealth; Stowe informs us, "that when he came to London, six oxen were eaten at a breakfast, and every tavern was full of his meat, for he who had any acquaintance there had as much meat, roasted or boiled, as he might carry on a long dagger." King Henry VI. a third time fell into the hands of Edward, who had him conducted to his old apartments in the tower, where a short time afterwards he was secretly put to death. His son, the prince of Wales, and his queen, after the battle of Tewkesbury, were both taken prisoners by Edward. When the youth was conducted into the king's presence, "what brought you to England?" demanded the ungenerous Edward; "my father's crown and my own inheritance," replied the youth; Edward struck him on the mouth with his gauntlet, and the king's servants slew him with their swords in the royal tent, in the 18th year of his age. Margaret, who was kept a close prisoner for five years, was then ransomed by Louis XI.

and died six years afterwards in France. Edward IV. died 9th April, 1483, the 41st of his age, and 21st of his reign.

John, Lord Mowbray, the sixth of that name, of the barons of Mowbray, Duke of Norfolk, earl marshal, was Earl of Nottingham, lord and baron of Seagrave and Gower, son and successor of John the fifth Duke of Norfolk, in the dignities aforesaid ; this person died A.D. 1461, the 1st of Edward IV., and lies buried by the high altar in the abbey of Thetford. His lady was Eleanor, daughter of William Bouchier, Earl Ewe, in Normandy, and Anne, his wife, daughter of Thomas Woodstock, Duke of Gloucester, by whom he had

John, Lord Mowbray, the seventh of that stock and name ; he was in the life-time of his father, created Earl of Warren and Surrey, by king Henry VI., and he came, after the death of his father, by right of inheritance, to be Duke of Norfolk, marshal of England, Earl of Nottingham, Baron of Seagrave and Gower ; he died in his castle of Farmingham, the 15th of Edward IV., and was buried in the monastery of Thetford, leaving only one daughter and heir, who was by king Edward IV. presently married to his younger son.

Richard Hastings, Esq., who, the 10th of Edward IV., with Joan his wife, daughter and heir of Richard Welles, knight, Lord Welles and Willoughby, had special livery of the castles, lordships, and lands of her inheritance, and the 15th of Edward IV., was made deputy constable of Nottingham castle, and warden of the forests and chases north of Trent, in the absence of William, Lord Hastings. In the 22nd of Edward IV. and the 1st of Richard III., this gentleman was summoned to parliament by the title of Lord Welles.

When Edward IV. died, Richard, Duke of Gloucester, was in the marshes of Scotland, at the head of a numerous army ; the prince was then a boy 13 years of age, and his brother, the Duke of York, only 11. On hearing of his brother's death, Richard proceeded southward to the city of York, clad in deep mourning, where he assembled many of the nobility, and caused them to swear fealty to his nephew, under the title of Edward V., himself first taking the oath as an example. From thence he proceeded to Stoney Stratford, where he joined company with the young king, who was then proceeding to London, from Ludlow castle, the residence of Earl Rivers, his maternal uncle. (a) Soon

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† (a) He was a great patron of the fine arts, and literary men. In his day the celebrated Caxton, the first English printer, flourished, and was a sharer of the bounty of this noble Lord.

however, as Gloucester was in the town, and found the young king within his grasp, he changed his tone, accusing Rivers and Gray of estranging the affections of his nephew, and ordered them both under arrest, then accompanied by the Duke of Buckingham, he waited on the king; the two dukes bent their knees, and saluted the poor boy as their sovereign, but the next minute arrested Sir Thomas Vaughan, and Sir Richard Hawse, two of his favourite servants, and ordered all the rest of the king's attendants to disperse immediately.

Earl Rivers, Lords Gray, Vaughan, and Hawes, were immediately conveyed northward, under a strong guard, to Pontefract castle, and from this moment to the time of his death, young Edward remained a prisoner in the hands of Gloucester and Buckingham.

May 4th the king was brought up to London, by Gloucester, who rode bare-headed before him, attired and attended as became a king. At first the royal boy was lodged in the bishop's palace, but removed to the tower for greater safety, as it was said. The coronation was fixed for the 22nd June, 1483, at Westminster, but soon after Richard advanced the poor orphan to receive his crown in heaven.

When Richard was appointed protector, the queen fled to the abbey of Westminster with her son, the Duke of York, and her five female children. Gloucester accused her and Jane Shore of witchcraft and sorcery; he beheaded the queen's brother, Lord Rivers, and the three other prisoners he had sent to Pontefract castle, and then forced the young Duke of York from his mother, alleging that he might, as a royal duke, be a spectator of his brother's coronation; afterwards he thrust them in the tower, then calling the children of the late king bastards, June 26th, ascended the throne, was crowned at Westminster, July 6th, 1483, and the royal orphan captives were secretly smothered in the tower, and buried under the stairs, while Richard came to sojourn at the castle of Nottingham, making his progress by Warwick, Coventry, and Leicester, attended by his court, was every where well received; and by the inhabitants of the north with enthusiasm, but it appears part of this joy was ordered before-hand, and perhaps paid for.

While at Nottingham with his court, Richard ordered those parts of the new works of the castle, left unfinished by Edward IV. should be completed, and other additions were made to the buildings of the castle, by which it became one of the most magnificent and splendid in the kingdom.

From Nottingham, Richard went to Pontefract, and from thence to York, where he was crowned a *second time*. There is in the archives of York a copy of a letter written from Nottingham, by the secretary of Richard III., having for its object, to stir up the zeal of the citizens of York towards his better reception, in these words:—

“To the gude masters, the mair, recorder, aldermen, and sheriffs of the cite of York,

“I recommend me unto you as heartily as I can. Thanked be Jesu, the king's grace is in good health, as is likewise the queen's grace, and in all their progress have byn worshipfully reseyved, with pageants, and odyr, &c. and his lords and judges, in every place sittynge, determinynge the compleyns of pore folkes, with due punicion of offenders against his laws. The cause I write to you now is for so much as I verily know the king's mind, and intire affection, that his grace beareth towards you and your worshipful cite; for many your kynd and lovyn designings to his grace, shew'd heretofore, which his grace will never forget, and intendeth therefore soe to doe unto you, that all the kings that ever reigned bestow'd upon you, did they never soe much. Doubt not hereof, ne make ne manner of petition, or desire of any thing by his highness, to you to be graunted. But this I advise you, as laudable as your wisdom can imagine, to receive him and the queen at their coming, dispose you to do well with pageants, with such gude speeches as can gudely (this short warning considered) be devised, and under such form as Master Lancaster, of the king's council, this brynger shall sumwhat advertize you of my mind in that behalf, as in hanging the streets through which the king's grace shall come, with cloths of arras, tapestry work, and odyr, for there comen many sothern lords, and men of worship with them, which will mark greatly your resayving thar graces. Me needed not thus to advize you, howbeit, many things I shew you thus of good heart, and for the singular zeale, and love which I beer to you and your cite afore all other. Ye shall well know, that I shall not forbeer calling on his grace for your weles, ne remember it as Mr. Lancaster shall shew you, which in part heard the king's grace speak hereon, to whom touching the premisses it may like you. In haste, the 23rd day of August, at Nottingham, with the hand of your friend and lover.

“JOHN KENDAL, Secretary.”

1484. Richard felt that in spite of acts of parliament, &c. the nation looked upon the princess Elizabeth, eldest daughter of Edward IV., as the true heir to the throne. His own son dying this year, Richard resolved upon destroying his lovely queen Anne,

daughter of the late Earl of Warwick, and marrying his niece, Elizabeth, whom the year previously he had treated as a bastard. This scheme proved abortive, and now Richard was a widower and childless.

When Henry, Earl of Richmond, landed with his men at Milford Haven, most of Richard's friends betrayed him, who had been stationed to guard the coast; himself, however, came to collect an army in these parts,—took up his abode and erected his standard of war at the castle of Nottingham. The men of the north hastened to it, under the Earl of Northumberland, the Duke of Norfolk, the Lords Lovell and Brackenbury, who brought up the levies from the eastern counties, Hampshire, and London, but many other lords and sheriffs of counties who had been summoned did not come.

Henry, Duke of Richmond, crossed the Severn, and was joined by the Talbots, and a few other families, but his force was inconsiderable, compared with the army under his bold and experienced rival. Henry knew that not one in ten of Richard's soldiers would fight for him, and he continued to press forward to king Richard, in Nottingham.

1484, Aug. 21st. Richmond advanced to a town called Atherstone, and on the same day, Richard having collected as large an army as he could, marshalled his troops in Nottingham market-place, and set out towards Leicester, 26 miles distant; this army consisted chiefly of foot, which he separated in two divisions, the rest marched five in rank, then followed the baggage, then himself, gorgeously dressed, having on the imperial crown, and seated upon a large white courser, richly caparisoned, and attended by his body guards, afterwards came the second division, five abreast as before. The horse also being divided, formed the wings, and kept near the centre. Hutton estimated this army would reach three miles in length, and be a full hour in leaving Nottingham, and as long in entering Leicester, where that night he halted.

Next morning Richard left Leicester and encamped near the town of Bosworth; early on the following morning, Richard wearing the imperial crown, mounted his war horse, marshalled his troops, and marched to meet the enemy. At the same time, Richmond moved from Atherstone, and the two armies met, in the midst of a fine and spacious field, nearly surrounded with hills, which commence about a mile to the south of Bosworth, where the battle was fought. Of all the lords that followed Richard, scarcely one was faithful, except the Duke of Norfolk, and his son, the Earl of Surrey. As Richard gazed upon the enemy's lines, he saw many a banner, which but a few hours before was on his own

side. At command, the Duke of Norfolk, who led the van, began the attack by falling on the advanced guard of the enemy, commanded by the Earl of Oxford. Norfolk made a great impression, but no other leader seconded him. Of a sudden Richard put spurs to his horse, and shouting "treason," galloped into the midst of the enemy. His quick eye caught a glance of Henry, and desperate as seemed the case, he cut his way to Henry's standard, killed Sir William Brandon, the standard bearer, made Sir John Cheney bite the dust, and was directing a deadly thrust at his rival, when a whole host closed upon him, threw him from his horse, and dispatched him with many wounds. Lord Stanley picked up the crown, and placed it on the head of Henry, the victors shouting, "long live king Henry." The body of Richard was stripped, thrown across a horse, and taken to the town of Leicester, where it was exposed three days to the public view, and then buried in the church of the Grey Friars.

Such was the fate of Richard III., after he had reigned only two years and two months. We may perhaps be excused if we notice a fact concerning the Clifton family, which hitherto has been unremarked by any historian, which is that Sir Gervase Clifton fell in the interest of the Red Rose at Tewkesbury, and yet it is said another Sir Gervase Clifton was taken into Edward's royal favour, which was the White, and was made one of the esquires of his body. After the death of Edward IV., Sir Gervase was created a knight of the bath, and for singular and faithful services, Richard III. by letters patent, Aug. 24th, 1483, gave him numerous grants of land in this and other counties, so that this family must have changed sides after the battle of Tewkesbury. Sir Gervase adhered to the fortunes of Richard III. and marched with him to Bosworth from Nottingham castle. Sir Nicholas Byron, of Claypole, a Lancastrian, was Clifton's intimate friend, and before the fight spent a day together at Clifton hall, when they entered into a solemn pledge, that which ever should gain the victory, the survivor should protect the interests of his vanquished friend.

Sir John Beaumont gives the following beautiful narration of the accidental encounter of these two friends, in his poem of the "Battle of Bosworth Field:"—

" If in the midst of such a bloody fight,  
The name of friendship be not thought too light,  
Recount, my muse, how Byron's faithful love  
To dying Clifton did itself approve.  
For Clifton fighting bravely in the troop,  
Receives a wound, and now begins to droop,

Which Byron seeing, though in arms his foe,  
 In heart his friend, and hoping that the blow  
 Had not been mortal, guards him with his shield,  
 From second hurts, and cries, 'Dear Clifton yield,'  
 Thou hither cam'st, led by sinister fate  
 Against my first advice, yet now, though late,  
 Take this my counsel.' Clifton thus replied,  
 'It is too late, for I must now provide  
 To seek another life; live thou, sweet friend,  
 And when thy side obtains a happy end,  
 Upon the fortunes of my children look;  
 Remember what a solemn oath we took,  
 That he whose part should prove the best in fight,  
 Would with the conqueror try his utmost might,  
 To save the other's lands from rav'nous paws,  
 Which seized on fragments of a luckless cause.  
 My fathers fall (a) our house had almost drown'd,  
 But I by chance abroad, in shipwreck found,  
 May never more such danger threaten mine;  
 Deal thou with them, as I would do for thine.'  
 This said—his senses fail, and powers decay,  
 While Byron calls, 'Stay worthy Clifton, stay,  
 And hear my faithful promise once again,  
 Which if I break, may all my deeds be vain.'  
 But now he knows that vital breath is fled,  
 And needless words are uttered to the dead;  
 Into the midst of Richard's strength he flies,  
 Presenting glorious acts to Henry's eyes,  
 And for his service he expects no more  
 Than Clifton's son from forfeits to restore."

Fourth Richard Plantagenet, of Shrewsbury, second son of king Edward IV., enjoyed all the honours of the Mowbrays, in right of his wife, he was also earl marshall, and had the baronies of Mowbray, Seagrave, and Gower, together with the vast inheritances of that family. He was made knight of the garter by his father, but with his elder brother, king Edward V., was murdered by his uncle Richard III., who usurped the throne under that title, 1483. He and his wife both died issueless.

The vast inheritance of the Mowbrays came next to the Howards and Berkeleys, in respect of Margaret and Isabella, daughters of Thomas, Duke of Norfolk. Sir John Howard, son of Sir Robert

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(a) This alludes to the unfortunate Sir Gervase Clifton, at the battle of Tewkesbury, when fighting against Edward of York. See p. 383.



Howard, and Margaret, co-heiress of Thomas de Mowbray, was created Duke of Norfolk, the 28th June, and the 1st of Richard III. as also earl marshall of England at the same time.

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## CHAPTER VI.

" The castle! what a theme for minstrel's lay,  
Of olden time—how full of ancient story,  
When banners flash'd upon its turrets grey,  
And chivalrous emprise was in its glory,  
And knighthood's star shed forth its brightest ray  
O'er hearts that warmly glow'd, though heads were hoary,  
When conquering William, with his foreign bands,  
Subdued proud Albion, to divide her lands.

Oh! who has gazed (when twilight spread on high  
Each deepening shade that darker made the scene,)  
Upon that building, traced against the sky,  
Nor called to mind the things which once had been,  
Till on the breeze they've heard the warden's cry,  
And harper's strains to please a sinful queen,  
And then, as thought the flame of memory fann'd,  
They've seen young Edward, and his gallant band.

There too, proud Richard, marshall'd his brave band  
And march'd them forth to Bosworth's well fought field,  
When crown, and throne, and power and kingly land  
And life itself hung on his sword and shield.  
But vain the prowess of his single hand,  
The tyrant was at length compelled to yield,  
For as he grappled with his strong arm'd foe,  
A mightier tyrant laid the usurper low.

I think upon the days of civil strife,  
When from the bow the swift wing'd arrow sped,  
And kinsmen met with deadly hatred strife,  
And brother's hand with brother's blood was red:  
Upon that rock what sacrifice of life!  
A moloch's altar covered with the dead,  
Whilst deep below, within its hollow caves  
Were living victims buried in their graves."

Hitherto we have abstained from any attempt of a description of this celebrated fortress, the origin of which is hidden from us in the depths of ancient time. Nottingham castle is repeatedly mentioned in the period of Saxon dominancy, and very difficult indeed would be the task of that historian, who might attempt to prove that on the site of the present castle, there did not exist some kind of *monument* as early as the time of the ancient Britons. But at the conquest either the old British fortress was rebuilt, or so repaired, enlarged, and strengthened, that its conformation was changed, by the vast additions it received in the reign of the Conqueror, from which time it may be contemplated as a first-rate Norman castle.

Improvements to it were made in subsequent reigns, but this building did not receive its final touches of embellishment until the time of Richard III., when it united the splendid magnificence of a palace, with the secure impregnability of a castle. As the pencil of the artist has not given us the form, nor the pen of the historian left a description of the castle, the labour and peril attending an effort to supply one, though imperfectly at this distant period, is considerably enhanced; in prosecuting this short but difficult work, instead of taxing our imagination to give form and size to that which after all would be a mere fiction, we propose to follow the more patient and laborious process of collecting and comparing its partial descriptions by Leland and others, with other castles of a like antiquity and yet standing, or of which historians have given us a fuller description. Those who may not have access to large libraries—means to purchase extensive volumes, or have not much time for reading, the following brief analysis of this kind of architecture, and the uses for which it was employed, may not be considered altogether uninteresting, but prepare the mind more clearly to perceive, and the better to understand, the subsequent description of our castle.

*Castellum*, (lat) a diminutive of *castrum*, is an encampment, a tower or towers, strongly constructed, and intended as a place of safety. Numerous castles, for the most part in ruins, still remain in Great Britain, France, Germany, Italy, and the east. The castles of Britain consisted of those erected by Britons before the invasion of the Romans, which were invariably built on the summit of a hill, or on the top of a rock, of which there are many examples in England, Scotland, and Wales; and Nottingham is one. We think it is an error, supposing as some do, that those towns which have not the word *chester*, or *cester*, proceeding or added to them, are not places where Roman castles might have

been built, or that those which have, are undoubtedly of Roman origin. We are not threading the labyrinths of conjecture when we say, the advantages of the position were the chief inducement for the Roman general to found his camp, and not whether the place had or had not been similarly occupied by the natives before that time. It is reasonable to suppose the Roman *castra* were often founded on the site of British works, and amongst the most remarkable are the Herefordshire Beacon, on the Malvern hills; the Caer Carodock, near Church Stretton, in Shropshire; Moel Arthur, in Flintshire; Chun castle, in Cornwall; Maiden castle, in Dorsetshire; and Richborough, in Kent, perhaps the earliest Roman castle constructed in this island, and has been conjectured to have been erected in the time of *Claudius*, and completed by *Severus*, still retaining the leading features of one of the most perfect of the stationary castles built by the Romans in England. The basement of the *sacellum*, or small temple, used for depositing the ensigns, forms an important feature in this castle, and in the walls are four gates; the entrance through the north-east wall, is one of the two gates, called by the Romans *porta principalis*, and which became in after times denominated the *postern gate*. The prætorian gate is supposed to have been on the side of the slope, toward the destuary, which formerly bounded this side of the castle. The second principal gate was opposite to the first, or principal gate or postern, the Decumen gate, and the Prætorian, are presumed to have been nearly opposite to each other. The form of our castle, like *Burgh*, is nearly a parallelogram, or square, with rows of bricks placed at intervals in the walls in a horizontal position, and these layers of bricks formed a foundation for every succeeding layer.

Porchester castle, another Roman station, is of a rectangular form, with hollow circular towers at the angles and sides, and presents examples both of Saxon and Norman adaptation, and castle building within its walls; the area of this castle is 620 ft. by 610 ft., at the north-west angle is the Saxon keep, 57 ft. by 58 ft. Mr. King supposes an addition to have been made by the Normans after their manner, forming an inner *ballium*, or court, within the outer *ballium*.

The *keep* may be considered the citidal of the castle, and was the residence of the chief governor; the keep of the Saxon and Norman castles, was the same to them, as the prætorium was to the Romans, and where the *sacellum* of the Romans was, most probably the christian's church was afterward situated.

The keep of Porchester stands adjoining to, and even upon the wall of the castle area itself, as most of the keeps in the Saxon

castles did, quite diverse from the keep towers of the castles built by the Normans. A reference to the ground plan of Nottingham castle shows its keep; situated upon, or actually constituting the north-east corner of the old wall, and not in the clear open space of the inner ballium, in which the keeps are situated in castles built by the Normans, as at Rochester and Hedingham, in Essex. This fact carries back the antiquity of the castle of Nottingham beyond the Norman era; and even had no historical mention of it come down to our time, the position of its keep alone, shows it must have been at least a Saxon castle.

Saxon castle building was perhaps in part borrowed from the Romanized Britons, who would, to some extent, have improved in their taste of this kind of architecture from their imperial masters; but that the art itself was known to the Britons before the Roman occupation of the country is an indisputable fact, for some of our castles, as Launceston, Brunless, and others, are mentioned by Mr. King in his *Munimenta Antiqua*, as having been constructed after the *oldest plan of Syrian castle building*; and others he supposes to have been of *Phœnician* origin, to which, in many parts, they bear a strong resemblance in their plan. Conisbrough castle, the palace of king Harold, is another of these singular castles, and considered by the same author to have been an ancient British work. The Roman castles are distinguished from those of either Saxon or Norman by the different *manner* of building their walls; layers of brick are seen in the Roman walls which were of *rubble*; while the Saxon and Norman works are usually faced with *squared stone*. Pevensey castle, in Sussex, is considered to have been a late Roman work, if not an Anglo Roman building; the *themelii* are not laid horizontally as at Richborough, and Burgh, but more like the Saxon *herring bone*. The plan of that at Porchester has had many alterations in later times; but the older works are far more durable than the latter. The plan of both castles are the same, which is an irregular curve with solid towers, a curved inner ballium with hollow towers, and a keep like Nottingham. The walls at Pevensey average about 10 ft. in thickness, and 20 ft. in height; had any part of the walls of our old castle been yet standing, even at this remote date, its antiquity, with considerable certainty, might have been ascertained, but as that is not the case, we can only compare its ground plan with those we have mentioned, and in this respect it agrees with them in form; therefore, so far we have strong presumptive evidence that Nottingham had its castle in the time of the ancient Britons.

The general rule by which Saxon and Norman castles may be distinguished from each other is, that the *keep towers* are attached to the walls in the former, while those of the latter are unattached; but there are some exceptions to this general rule. Castleton, in Derbyshire, is considered to be a genuine Saxon castle, from the style of architecture and the appearance of the herring bone masonry in the walls, and here the keep is attached, as in this at Nottingham. The keeps of Guildford and Colchester castles have some curious constructions of the herring bone style in brick work, the distinguishing mark of Saxon origin, and this manner of building it is very probable originally distinguished Nottingham's Anglo-Saxon castle.

Norman castles as fortifications were much stronger than those built by the Saxons, from which they were also distinguished by the mounds and ditches, or moates, with walls on the mounds, surmounted with battlements. The walls were also fortified at the top, with small projecting towers, called bastions. The importance attached to the castle of Nottingham, from its locality, its strength, its numerous surrounding population, and from its being so frequently the abode of succeeding kings, are circumstances that may justify the assumption that of the various castles in the kingdom, to which a succession of improvements were added after the conquest, whether they were for adding strength or ornament, Nottingham castle would necessarily be one of the first. Hence it was defended on its north and east, where alone it might be approached, with three deep ditches; the first a moat, was that nearest the castle, within the walls, over which the "stately bridge" was cast, of which Leland speaks, who visited it in the 16th century, in the reign of Henry VIII. The castle wall was outside this first ditch, and flanked with six strong towers, part of the line of this wall may yet be seen, commencing at the south-east end of the castle, to which it still forms a breast-work, about 12 paces from it; then descending the slope of the rock eastward, continues 150 paces, till it reaches to the north-eastern boundary of Brewhouse-yard, where there is a strong lofty tower. This gave way at the time of thaw, after a severe frost, in 1832, and was rebuilt at the expense of the Duke of Newcastle, by Mr. Allen, stone mason, who entirely removed the old tower, digging up the lowest stones of the foundation, in hope of finding some coins, or plate, bearing an inscription, but nothing of the kind was discovered; the present *new tower* is smaller than its predecessor, which was of a magnitude and diameter equal to that venerable relique of antiquity, the tower yet standing at the top of Castle-gate. From Brewhouse-yard the castle wall extended in a right

line northward, to the second tower just mentioned, then by a slight curve inward, behind the present Riding school, joined the Barbican, where there are two towers and an arched gateway, leading to the principal entrance of the castle. About 25 paces north-west this wall extended towards Standard-hill, where there was another, a fifth tower; from thence west, to the extremity of the rock by which the park on its east is bounded; then turning south, was a sixth tower, from whence, south and east, it joined as we said, in a breast-work, south and west of the castle. North east of this wall was another ditch, extending nearly parallel with Standard-hill. The late Mr. Stretton opened a part of this ditch at the time he was about erecting his house, and after his workmen had dug 15 or 20 ft down, they were still not able to find a solid foundation, and from its breadth, and the depth he had already attained, gave it as his opinion, that the bottom of the ditch was about on a level with the second entrenchment in the park.

The third ditch was opposite to the top of St. James'-street, the eastern terminus of which may be discovered by any one going along the Hollows; for a little above St. James' church, in the wall bounding that side of the road, just at the southern extent of the Hospital pleasure grounds, the crown of an arch rises about 8 in. above the flags, which when this wall was built, it was found necessary to spring, because there was no substantial foundation; this was part of the ditch which stretched north-west from this place, extending under the new western wing of the Hospital, and terminated at the reservoir of the Old Water Works Company, where the old postern used to stand. Here also the old town wall, south of Butt-dyke, joined the wall of the castle. (a)

Norman castles are distinguished by towers, as well as the outer walls, and the barbican and towers of the old castle of Nottingham yet standing, are evidence conclusive of this Norman fortification, which defended this ancient castle.

From the extensive alterations, additions, and improvements, successively made from the time of William Peverel downward, its

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(a) About the year 1797, at the time the workmen were digging out the foundation of Mr. Lowe's house, which adjoins] Mr. Fox's, at the south-west corner of Hounds-gate, after they had dug 14 ft. deep, at the south-east, they came to a solid cart road, which used to be the surface, and constituted the old road into the town on this side. This accident supplies us with the means of ascertaining the depth of the ditch outside the castle walls eastward, and may enable us to form a tolerably accurate idea of the barbican which now appears low, because the ground has been so much raised in front of it, but formerly it was very imposing in appearance, being lofty and majestic. A similar road was discovered about 40 years ago, when digging the foundation of the Milton's Head Inn, Milton-street.

external appearance, and internal arrangement, in every respect, save the situation of the *keep*, which could not be altered, this *Anglo-Saxon* fortress was transformed into a *Norman* castle.

Rochester castle, which stands on a small eminence near the bridge over the Medway, is a fine specimen of a Norman castle, by whom it was probably erected on the site of a more ancient building. Here are seen the inner and outer ballium, or court, and also a Saxon mount.

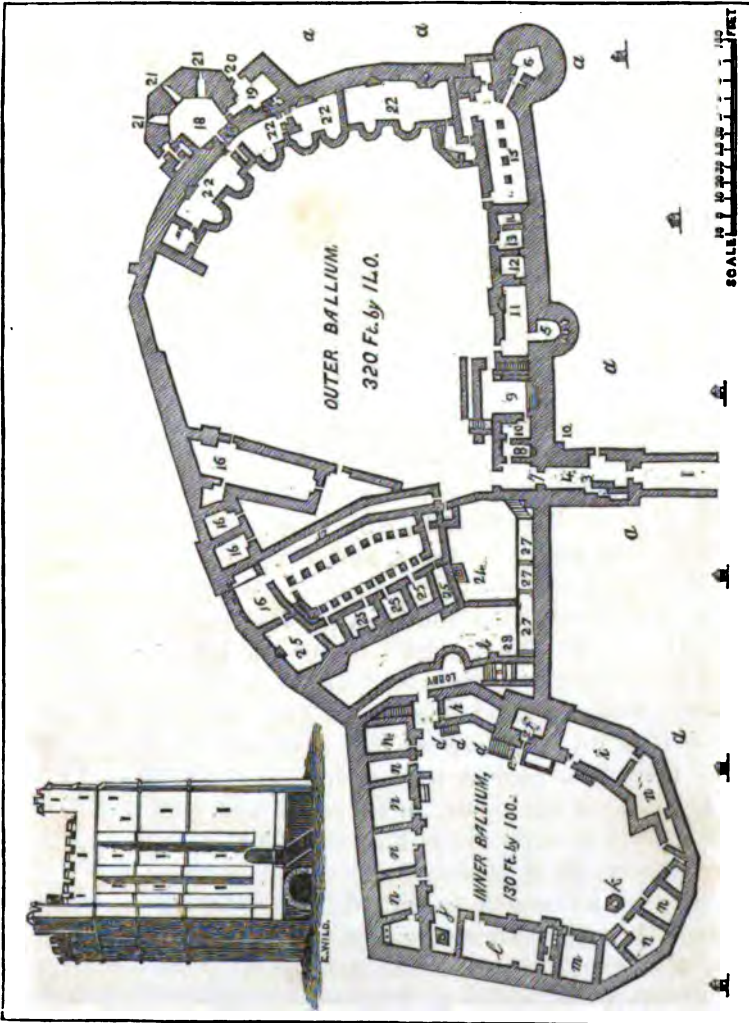
Bedford castle, taken by Henry III., 1224, is considered to have been similarly surrounded, from the fact of its having been taken in four attacks: 1st. the barbican; 2nd. outer ballium; 3rd. inner ballium; and 4th. by mining the keep, compelled the besieged to surrender.

The castles of Rochester, Hastings, Lincoln, York, Nottingham, &c., were Norman castles of the *first class*, and pretty much favouring each other in their general design; the plan in which they were erected, is an irregular *polygon*, like Nottingham, (see plate) and the keep bears a strong resemblance to Arundel, Tunbridge, Newcastle, &c., only it is more strongly fortified by nature than they.

Having made these prefatory remarks, in order that we may clear our way to the description of the subject before us, which no historian has yet attempted, having been favoured with the valuable assistance of several gentlemen, who have made Nottingham castle a subject of close study for years, and to preserve a necessary connection of subject, and simplicity of idea, we will suppose ourselves at the top of Park-street, about to visit the castle in the time of Richard III., 1485. Turning a little to the left, (south) you see the *watch-houses* of the *picket-guard*, at regular distances, in advance of the castle wall, east and north, standing on the declivity of the hill. Just in front is a deep ravine, over which is a stately stone bridge, of three beautiful gothic arches, presenting a rising platform to the gate of the castle, in front of which is a *draw-bridge*. Over this gate is an arch, on either side, flanked with a strong massive tower, rising 50 ft. above the level of the ditch; this arched gateway formed an outwork, called the barbican, as seen fig. 1. Here was stationed a strong guard, night and day. From its strength, and the advantages its occupants were supplied with over an enemy from without, it is evident, to *take* that by storm would be attended with almost as dreadful a slaughter as the taking of the castle itself. The present appearance of the barbican bears evident traces of the architecture of the eleventh century, and to have been partly re-built early in the fifteenth century; modern repairs made about twenty years ago have done much to

## GROUND PLAN

OF NOTTINGHAM ANGLO-NORMAN CASTLE, of the 15th Century, with the final Improvements made to it by Richard III., according to a Ground Plan taken by Mr. Smithson, in 1617. Here are seen the Watch-houses of the Picket-guard on the alope of the hill, the Barbican, Moat, Draw-bridges, Wells, Courts, Towers, and an Elevation of the Keep.



Engraved for Orange's History of Nottingham.





destroy the antique character of this venerable erection; but the end for which these alterations were made, which was of rendering it a comfortable residence for the keeper of the premises, has been fully attained. The place of the draw-bridge in front may yet be seen from Mr. Chester's yard. Passing through the barbacan, is the castle yard, fig. 2; this is the "base court" of which Leland speaks, and which he says is "large and strong, and fit for princely exercises." Before you, and directly in front of the castle eastward, was the moat, *a a a a*, over which, as Leland has it, was a "stately bridge"; at the further end of this bridge, was a portcullis; fig. 3, and a little further on, at the top of a flight of steps, fig. 4, was another portcullis, or herse.

From this place was the nearest view of the castle eastward, its walls stretching north 240 ft. and south 290 ft. including the old tower or keep, &c., presenting an entire front eastward of 530 ft. from north to south. This military structure must not be confounded in our ideas with the extensive fortified residences which came into vogue towards the end of the 13th century.

The palatial character of the castles of the feudal barons, the vast walls and lightsome oriels, which the records and fictions of chivalry and romance have associated with them, had no existence in those of a century before, which were essentially *fortresses*, in which the walls, doors, and windows, were so constructed as to repel assailants; every thing in them was sacrificed to security, and such there can be little doubt was Nottingham castle. Its walls 15 ft. thick, gradually tapering to 8 ft. at the top, the walls on the ground floor bending inward and rising to a lofty altitude. Externally there was a round lofty tower 39 ft. dia. flanking the wall east, and on the extreme right; fig. 6 another large round tower, 50 ft. dia., very strong and rising to a lofty height for the purpose of observation and defence, called the tower of Edward IV.; fronting the herse is a second arched door way, fig. 7, in which was placed the main guard; on the right, fig. 8. is seen the room for the main guard, 20 ft. by 15 ft.; fig. 9, the large kitchen,  $26\frac{1}{2}$  ft. square, south-east of which a door way is seen leading into another room of the same size as the guard room, probably a larder; fig. 10, a flight of stairs leading up the smaller tower, behind which is a large guard room 40 ft. by 20 ft. for accommodating the soldiers appointed to defend the castle from this tower; figs. 12, 13, and 14, probably store rooms (for war-like instruments, as spears, slings, bows, and arrows,) and are therefore entered by doors from the great room appointed to the guard; fig. 15, is a still larger room, 92 ft. for the guard appointed to the defence of the great tower at its northern extremity; in this guard

room are seen four pillars, probably intended for supporting the room above ; from this room is seen a door leading into an outer waiting room, communicating with the winding staircase by which the tower was ascended ; fig. 17, way and steps leading up to the tower ; figs. 16, are the erections begun by Edward IV. when after his landing at Ravenspur from Holland, where he had been in exile, he came directly here, and staid sometime in the castle collecting his forces, and caused himself, for the first time, to be proclaimed by the title of Edward IV., in the Market-place, in Nottingham, Edward's affairs prospering so much beyond his expectations, did not stop to complete the works he had begun, but they were finished afterward by his brother, Richard III., who also built a most magnificent tower (fig. 18,) of an octagon form. This tower was 90 ft. dia. its walls were 15 ft. thick, and outside the castle, to which it adjoined on the north western extremity ; the foundation and stair-foot by which it was ascended remain distinguishable to the present day. This it is considered was the highest tower of the entire castle, rising to nearly 100 ft. and was built upon the top of the rock, very near the *foot way* constituting the present entrance, east of the park ; there is also seen fig. 19. a square tower 40 ft. dia. adjoining the former, ascended by a separate winding stair, as is seen in the *plan* ; from the lower story of this tower, was fig. 20, an opening toward the park the design of which it is not easy to ascertain. From this *double tower* there was a subterraneous cavern descended by steps cut out of the rock, the cavern remains there still, and was discovered when the present road into the park was lowered in 1827 ; it was entered by many persons still living ; Mr. White of this town, informed us that he entered the cavern at the time, which he described as extending from king Richard's tower, left through the rock forming the eastern boundary of the park, and opening in a private *sally port*, where the rock projects west into the park, a little beyond the northern boundary of the "queen's garden ;" and to the right it branched two ways, one leading to the barbican, and the other to the dungeon under the old keep-tower of the castle. This passage is dry, with an arch 7 ft. 6 in. high. and a passage 8 ft. wide, resembling the celebrated Mortimer's Hole, with which it most likely at one time communicated, and in which men may walk erect three or four a breast ; a wooden door now closes the entrance of this passage, which is seen on the left as you enter the park.

The octagon tower had five small rooms in its massive walls, on the first story, with three openings, or *port holes* ; fig. 21, showing its military design. When Richard heard the unwelcome tidings

that Henry, Duke of Richmond, had landed from the continent to assert his right to the crown, the guilty sovereign fled to Nottingham, to raise an army with which to oppose and put down his rival, and like an ill-fated successor, set up his standard of war on one of the towers of the castle. Here it may well be supposed Richard passed some of the most sorrowful days of his life, and this princely tower, built by himself, and which he mostly inhabited, was, from this circumstance, after his vacation of it and death, called the "*tower of care.*" This, and the works adjoining it, fig. 22, were the last additions the castle ever received, and are spoken of by the celebrated Leland, though in his time they lay in ruins, as having been at one time erections of surpassing magnificence; we give a copy of his own words verbatim, "much part of the west side of this inner warde, as the haul, and other things, be yn ruines. The est side is stronge and well towered; and so is the south side.

"But the most beautifullest and gallant building for lodging, is in the north side, where Edward the IV. began a right sumptuous peece of stone work, of the which he clearly finished an excellent goodlie tour of three heights yn building, and brought up the other part likewise from the foundation with stone, and marvellous fair compaced windoes to layyng, of the first soyle for chambers and their lofte.

"Then king Richard his brother, as I heard there, forced upon that werke, another peece of one loft of tymbre, making round windows also of tymbre to the proportion of the aforesaid windows of stone, a good foundation for the new tymbre windows; so that surely that north part is an exceeding peece of work."

This inner ballium, which contained erections, generally attributed to Edward IV., figs. 16, were probably accommodations for cattle, and as the wide open space with the dots in it, fig. 23, was evidently a *piazza*, probably used for exercising the war-horses in weather; fig. 24, is a well for the use of this part of the garrison; figs. 25, were employed as stables, granaries, and cavalry barracks. The entire extent of this outer ballium, was 320 ft. from north to south, and 140 ft. from east to west; fig. 26, the arched door way, the place of the main guard, on the left a flight of 13 steps; fig. 27, is the lobby 100 ft. long and 15 ft. wide, leading to the south wing; ten other steps were ascended at the south end, fig. 28, turning due west were five more. Here was *b*, a draw-bridge, beyond which, by a descent of ten steps, was the level of the upper court, or inner ballium; this lobby running due west formed a right angle with the former, and was 65 ft. to the portals

on the left ; *c c* outer and inner portal, each protected by an herse, from whence turning the left up a flight of steps *d d*, above which was another drawbridge, *e*, over this was the entrance to the keep on the second story. Its form was a parallelogram, its size 40 ft. square ; some idea of the strength of this part of the castle may be gathered from the fact that it was built of squared stone 15 ft. thick, and cemented with mortar that set as hard as stone. The height of this part of the building was four stories, at each corner was a square tower rising from the basement with pilaster buttresses ; the whole was defended with towered walls firm as rocks, and having only one approach, which was rendered most difficult of being forced ; there being one barbican, seven gates, and seven drawbridges between it and the outer castle wall.

We said the entrance into the keep tower was by a flight of steps, and a portcullis leading to a door in the *second story*, which was an *invariable* rule with this and other castles ; over this door was an arch, *g*, the breadth of the massive walls, and perforated with holes, through which it was usual to endeavour to repulse the enemy, by pouring boiling hot lead on the heads of the assailants from the room above, from hence it were easy to infer what must be the dreadful carnage that attended the taking of such a castle as this by storm. Underneath the keep was the state prison, and the first floor, which was of stone, supported by a double line of arches, was generally used by a portion of the soldiery, and had *loop holes* instead of windows, near which the ancient conical stoves, or fire-places, were fixed, through these loop holes the smoke escaped, for there was no such thing as a chimney in this room, it had a large entrance from the inner ballium.

Above this room was the principal entrance by a flight of narrow steps, &c., as already described ; here was the *state apartment*, which was generally very lofty and splendid, but often the only room in the building possessing the advantages of either a window or chimney. There was always one, and in the larger keeps, two rooms on each floor, as large as the extent of the walls would admit, and in the upper story a variety of closets and conveniences contrived in the projections and thickness of the walls ; the largest keeps are often enormous masses of building ; that of the tower of London is a parallelogram of 116 ft. by 69 ft. Rochester occupies a square of about 70 ft. and 104 ft. high. Dover, Colchester, Kenilworth, Richmond, Bambrough, &c., are distinguished by the magnitude of their keeps. If Smithson's plan be correct, and we have no reason to doubt it, the keep of Nottingham castle was considerably smaller than those we have just mentioned ; still it must be remembered the keeps of the Saxon castles are generally

much smaller than in the Norman; and no rule would be more fallacious than that that would estimate the importance of the castle by the size of its keep alone. From an actual admeasurement of the keep of Conisbro' castle, compared with the ground plan before us, we find that in size they nearly agree, but in shape they do not, Nottingham being in the latter respect more like Richmond or Newcastle, than this; *h* is a large guard-room, entered by the portal *c*, and *i* another guard-room or barracks for the infantry; the inner court or ballium, which was 160 ft. by 120 ft.; *j* is a well for the use of the garrison, and *k* is the entrance into the celebrated cavern, called "Mortimer's hole," *l* the chapel, *m* hospital, *n* store rooms and infantry barracks. Flaxman in his lectures, makes mention of a splendid painting in Nottingham castle in the 14th century, executed at the command of Henry III., who was a great patron of the fine arts; the following is a list of the various subjects he had executed, and the places he appropriated to them,—“our Lord and the four Evangelists, with St. Edmund and St. Edward,” in the chapel of Woodstock; “the last Judgment,” for that of St. Stephen's chapel, in the palace of Westminster; “the history of Antioch (some victory of the Crusades), for the room called the Antioch room in the same palace; and “the history of Alexander,” for the queen's chamber in *Nottingham castle*. In the published records of the Society of Antiquaries, we have the first notice of painting on glass, in the form of precepts for glazing three windows in St. John's chapel in the Tower of London, with a little virgin Mary holding the Child, a Trinity, and a St. John the Apostle; and for executing the history of Dives and Lazarus in glass at the castle of Nottingham.”

Very few specimens now remain of so early a date as this of which we are speaking, but the style of executing such works at this remote period was in small medallions of different forms, inlaid upon a sort of mosaic ground, in various patterns and of the most brilliant colours; windows of this date were sometimes surrounded by elaborate borders, and may further be distinguished by the predominance of a rich deep blue.

The castle enclosure contains about nine acres, including the abrupt declivities of the rock on the south and west sides, where many trees have been planted, and where several modern gothic dwellings may be seen peeping through the sylvan recess.

The *Riding School* stands on the out-side of its limits, a little below the castle lodge, where a part of the old wall was removed in 1798, to make room for that building, which was erected by the Nottingham Troop of Yeomanry Cavalry, and is occasionally

used for equestrian exhibitions, for which it is well adapted. The house, school, and stables adjoining, are let to Mr. William Chester, who keeps here all kinds of carriages for hire, and extensive livery stables.

The park is now an open pasture, except a bowling green, and a garden plot at its south-east corner; its eastern boundaries, which have lately been lined with large and beautiful houses, with hanging gardens in front, descending by an abrupt, but picturesque semicircular sweep to the green pastures of the park, which extends by irregular undulations to the verge of the parish of Lenton, and the north bank of the Leen. From hence is a delightful prospect of the new line of Railway, where the trains are seen going toward Beeston, Derby, &c., and returning to the station-house; the park forms a pleasant summer promenade, and is much frequented by the town's people, and persons from Lenton, Beeston, &c.

On its north-western corner are the Barracks, which are pleasantly situated, and is the only permanent military depôt now possessed by the town; they were built in 1792, on ground leased for the purpose of his Grace the Duke of Newcastle; they contain convenient apartments for the officers, a sutling house, barrack-rooms, stabling for three troops of horse, an hospital, &c., with an extensive yard, enclosed by a strong wall of brick. The garrison is supplied with water by a well, from which it is raised by a horse, into a large cistern. Barrack Master,—Lieut. Colonel M'Gregor. Commander of the district,—Major General Sir C. J. Napier.

On Nottingham hill, about a mile from the town, are some lines of fortifications, and several barrows, in one of which Deering says, "great quantities of human bones have been found, supposed to be the remains of some Saxon soldiers, for it was their custom to cover the graves of their slain with moulds of earth, now called *barrows*."

Extra parochial places are found generally to have been the sites of ancient castles, or religious houses, the owners of which were privileged with an independent jurisdiction, and did not permit any interference with their authority, within their own limits; hence they enjoy a virtual exemption from maintaining the poor, because they have no overseer on whom a magistrate's order may be served,—from the military laws, because they have no constable to make returns; and from repairing the highways, because they have no surveyor. In the language of the ancient law of England, such places were not "*geldable or shireground*," and as the sheriff was the receiver general in his county till about

the time of the Revolution, in 1688, extra parochial districts were neither taxable nor within the ordinary pale of civil jurisdiction, they are still *virtually exempt* from many civil duties, and the inhabitants are not called upon to serve many public offices to which others are liable. These exclusive privileges are enjoyed by all the *castle ground* at Nottingham, viz. the *castle enclosure*, the *Park*, *Standard hill*, and *Brewhouse yard*, which, though they contain 100 houses at the west end of Nottingham, are not within the jurisdiction of the "Town and County of the Town," but are included in the County at large. If these four extra parochial districts could be united by an Act of Parliament, and made responsible for the maintenance of their own poor, it would be of considerable advantage to the three parishes of Nottingham, for here it is that many of the principal merchants, manufacturers, &c., build their handsome mansions, whilst Nottingham is their principal source of wealth, they thus avoid paying their just share of parochial burdens of that town.

Brewhouse-yard, is a small district of itself, under the south east side of the castle rock, and on the north bank of the Leen, where the Old Water Works Company have lately built a new engine house. As has already been seen, it was formerly within the jurisdiction of the castle, and contained a malt-kiln and brew-house for the use of the garrison, but in 1621 James I., constituted it a separate constabulary, and granted it to Francis Phillips, gent, and Edward Ferres, mercer, both of London. It has now more than 100 inhabitants, several dye-houses, and two public-houses, one of which has a room cut in the rock, with "a hole at the top for the admission of light, on which account it has obtained the name of the star parlour." The other tavern has two large chambers, and other conveniences cut in the rock, near the entrance to Mortimer's hole, which is now built up. Thoroton says "this place was once an asylum for a fraternity of fanatics, called Philadelphians, or the *family of love*, from the love they professed to bear to all men, though never so wicked, and their obedience to all magistrates though never so tyrannical, be they Jews, Gentiles or Turks." Their founder was one David George, an Anabaptist, of Holland, who propagated his new doctrine in Switzerland, where he died in 1556, after which his tenets were declared to be impious, and his body and books sentenced to be burnt by the common hangman.

Since king James's reign, Brewhouse-yard has had a constable and overseer, and the united office is now held by Mr. Yates.

Standard-hill comprises about five acres, nearly one half of which is occupied by St. James' church, and the gardens, &c.,



of the General Infirmary ; the north end of which charitable institution, is within the limits of the town, in the parish of St. Nicholas, which bounds Standard-hill on the east, as the Park does on the north and west, and the outward wall of the castle on the south. This portion of the ancient castle land, perhaps originally part of the Park, derives its name from the royal standard, which king Charles I. erected here in August 1642. In 1807 the Duke of Newcastle divided nearly all that part of it which is not occupied by the Infirmary, into 32 building lots, containing together about 9000 square yards, which he sold for nearly £7010, and which now forms four handsome streets, "King-street," "Charles-street," "Standard-street," and "Hill-street." Each purchaser at the time of sale covenanted, "to pave and keep in repair one half of the street, so far as they respectively extend in front, or by the side of his lot ; to make foot pavements four feet broad, and not to build any house upon the premises of less value than £25 per annum, nor erect any manufactory, nor suffer any obnoxious trade whatever to be carried on upon the premises." Since this sale St. James' church, and upwards of twenty large and handsome houses have been erected, so that every building site is now occupied. In 1814 the parishioners of Nottingham complained, that the wealthy inhabitants who had built houses on Standard hill, were not only exempt from the heavy poor rates of the town, but refused to relieve those paupers who by servitude were considered to have gained a settlement in that extra-parochial district ; in consequence of these grievances, the magistrates appointed two of the inhabitants to act as overseers, and afterward gave orders for the removal of a pregnant servant girl from St. Mary's parish, to the house of one of the said overseers, where she was refused admittance ; after an expensive legal contest, in which the three parishes of Nottingham made common cause against the inhabitants of this extra-parochial district, it was fully determined by the court of King's Bench,—“ that Standard-hill, not having been proved to be an ancient *ville*, or a *ville by reputation*, is not subject to the jurisdiction of magistrates in the appointment of overseers,” consequently, according to this decision, no settlement can be made within its boundaries, either by servitude, by the occupation of property, or by any other means.

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